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EDWARD RANDOLPH.



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# EDWARD RANDOLPH;

INCLUDING

HIS LETTERS AND OFFICIAL PAPERS FROM THE NEW ENGLAND,  
MIDDLE, AND SOUTHERN COLONIES IN AMERICA, WITH  
OTHER DOCUMENTS RELATING CHIEFLY TO THE  
VACATING OF THE ROYAL CHARTER OF THE  
COLONY OF MASSACHUSETTS BAY.

1676-1703.

WITH HISTORICAL ILLUSTRATIONS

AND A

## MEMOIR

BY ROBERT NOXON TOPPAN, A.M.

MEMBER OF THE AMERICAN ANTIQUARIAN SOCIETY, THE AMERICAN  
PHILOSOPHICAL SOCIETY, THE COLONIAL SOCIETY  
OF MASSACHUSETTS, ETC.

IN FIVE VOLUMES.

VOL. I.

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## P R E F A C E.

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**I**T will always be regretted by those interested in the colonial history of our country that Mr. Charles Wesley Tuttle, whose untimely death was much deplored, was unable to carry out his long-cherished plan of giving a full account of the career of Edward Randolph, whose energetic personality had impressed him deeply. Mr. Tuttle, in a brief paper read before the Massachusetts Historical Society in 1874, says, "Edward Randolph holds so conspicuous and so important a place in our colonial history that anything concerning him is worthy of consideration, especially if new. It is surprising, in view of the extent of our historical inquiries, that the arch-enemy of Puritanism in all its aspects, the prime mover and the actual abettor of the overthrow of the first political and ecclesiastical establishments of New England, should have excited so little interest and be so little known. Measured simply by the results of his own undertakings, Edward Randolph is justly entitled to rank among the most remarkable men of his time. In that dramatic period of our history which embraces the closing

closing scenes of the life of the first charter, he is the central figure and the chief actor,—not inaptly called the *destroying angel*. His public acts are memorable, and they form the chief interest in the history of that time."

To the scanty materials collected by Mr. Tuttle something more was added in his *Historical Papers* published in 1889 by his friend, Colonel Albert Harrison Hoyt, of Boston, to whom the task was committed, and who has kindly allowed to the editor of the present publication the full use of all matter gathered by him. To Colonel Hoyt thanks are especially due. Thanks are also due to the officers of the American Antiquarian Society, the Massachusetts Historical Society, and the New England Historic-Genealogical Society, for permission to make use of their collections in print and manuscript. The editor must also acknowledge the unfailing courtesy of the officials connected with the Department of Archives at the State House in Boston, and of those connected with the Public Record Office in London.

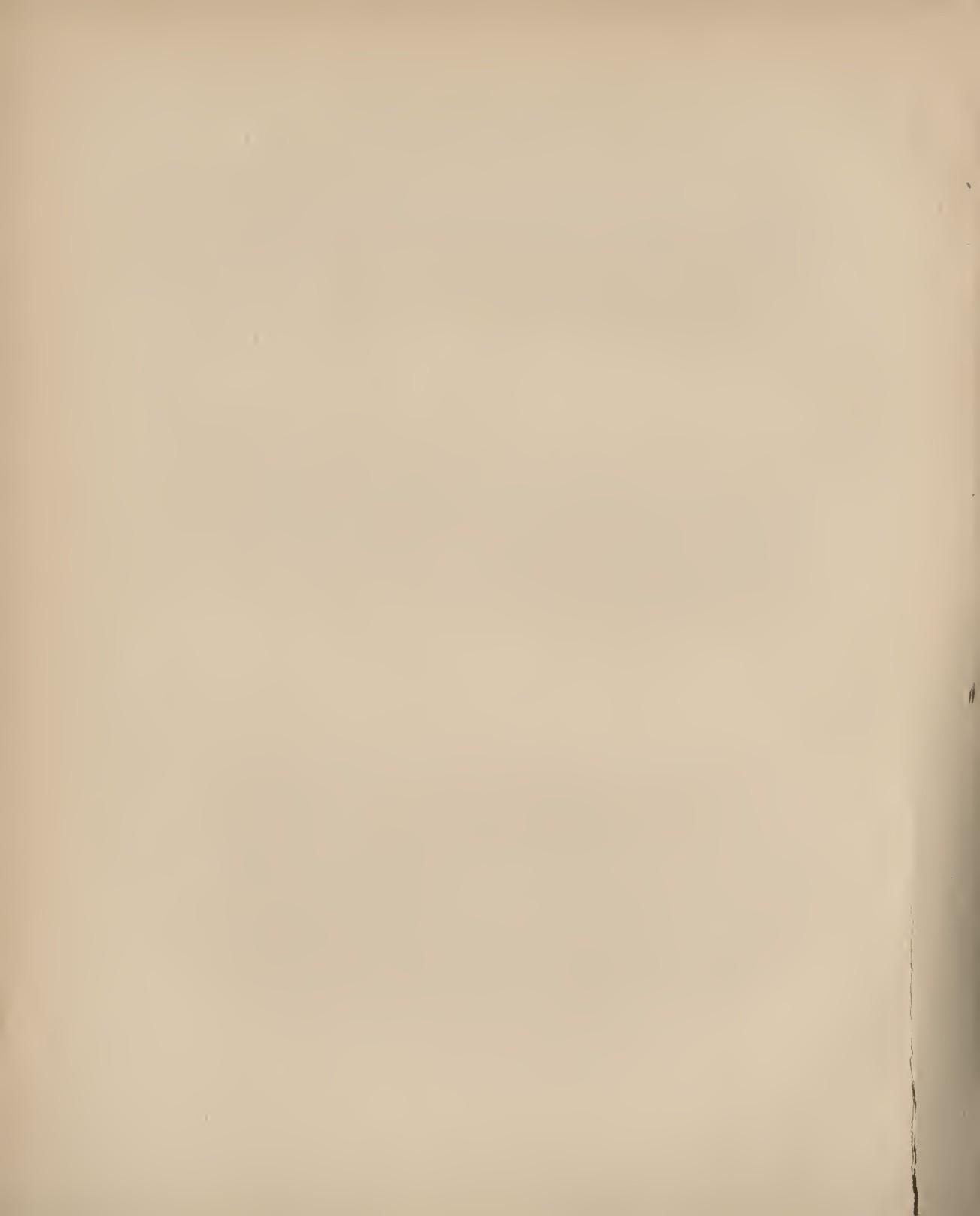
Many of the English *State Papers, Colonial*, and of the documents in the *Massachusetts Archives* are now printed for the first time. Only brief extracts, with one exception, from the private letters of Edward Randolph to his friend Sir Robert Southwell, belonging to the *Collection of the late Sir Thomas Phillipps, Baronet*, at present in the possession of T. FitzRoy Fenwick, Esq., of Thirlestaine House, Cheltenham, which cover the period from the 19th of August, 1683, to the 10th of July, 1686, have been published in the *Proceedings of the Massachusetts Historical Society* for November, 1880. Complete copies of these letters have been

been obtained at the expense of the Prince Society, mainly, through the active co-operation of Mr. John Ward Dean. It will be noticed that, occasionally, the records of the same Council meetings in the *Council Records of Massachusetts*, Vol. II., and in the *Andros Records*, differ slightly. The differences and omissions have been pointed out in the foot notes. *The Council Records of Massachusetts*, Vol. II., at the State House in Boston, which are the manuscript copies of the minutes sent to England and preserved in the Public Record Office, London, begin with the presidency of Joseph Dudley on the 25th of May, 1686, and end on the 29th of December, 1687. *The Andros Records*, which are the original minutes of the Council meetings made either by Randolph or under his immediate supervision, commencing with the Governorship of Sir Edmund Andros on the 20th of December, 1686, and ending on the 25th of April, 1687, are in the possession of the American Antiquarian Society at Worcester.

R. N. T.

CAMBRIDGE,  
October, 1898.



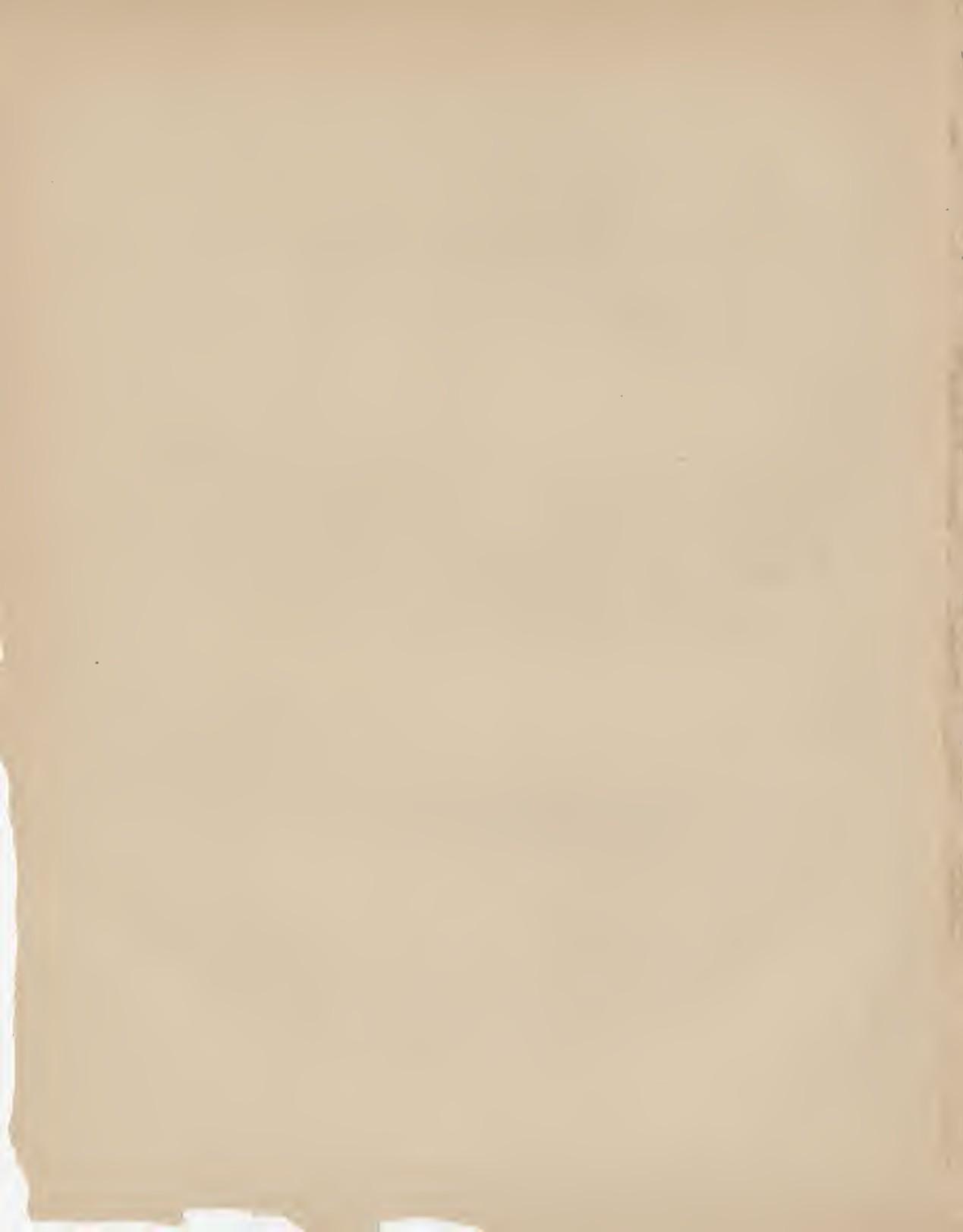




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## M E M O I R.

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DWARD RANDOLPH, whose persevering activity during his official relations with New England finally overthrew the first royal charter of Massachusetts, which the colonists had maintained and defended manfully for fifty years,<sup>1</sup> and under the protection of which they had created a flourishing state, was born in Canterbury, and was baptized in the parish of St. Margaret of that city, on the 9th of July, 1632,<sup>2</sup> two years after the exodus of the Puritans from England to the new world, under the leadership of Winthrop.

He

<sup>1</sup> The efforts to maintain the rights granted by the charter were a continuation of the long struggle to preserve the privileges of Magna Charta,—a conflict between the principles of concentration of governmental power according to Roman imperial ideas, and of diffusion or separation of that power in accordance with the spirit of the English common law. “That the common law was always jealous of the encroachments of the civil law is certain. The common law of England is the common law of the plantations. Let

an Englishman go where he will, he carries as much of law and liberty with him as the nature of things will bear.” See *Opinions of Eminent Lawyers*, edited by George Chalmers, Vol. II. p. 208. In the *Memorial History of Boston*, edited by Justin Winsor, Vol. I. p. 239, is a paper by Charles Deane, called “The Struggle to maintain the Charter of King Charles and its final loss in 1684.”

<sup>2</sup> *Historical Papers* of C. W. Tuttle, edited by A. H. Hoyt, p. 285.

He was one of fifteen children, and the fourth son of Dr. Edmund and Deborah (Master) Randolph. His father, who was baptized in the parish of Biddenden, Kent, in 1600, having received his degree of Doctor of Physic at the University of Padua, Italy, then a resort for many foreign students, was incorporated in the University of Oxford in 1628,<sup>3</sup> and having married Deborah, daughter of Gyles Master, of Canterbury, established himself in that city to follow the practice of his profession.

Dying in 1649, the same year in which Charles I. was executed, and in which Massachusetts mourned the loss of John Winthrop, the able and honored Governor of the Colony, Dr. Edmund was buried in St. George's Church, Canterbury.<sup>4</sup> The father of Edmund and grandfather of Edward, whose baptismal name was Bernard, a clothier, having married an heiress, Miss Jane Boddenham, or Boddenham, of the parish of Biddenden, Kent, became the possessor, by the marriage, of an estate called Lessenden,<sup>5</sup> which

<sup>3</sup> *Athenæ Oxonienses*, by Anthony A. Wood, London, 1815, Vol. II. p. 443; Part I. of the *Faſtæ Oxonienses*, under head of Incorporations: "1628 Jul. 10 Edm. Randolph, doct. of phys. of Padua. He was sometime a member of University Coll." Incorporation means the placing a member of another University in the same rank, status, or degree as he had in his own university. *Registry of the University of Oxford*, by Rev. S. W. Boafe, Vol. II. p. 345.

<sup>4</sup> Colonel Hoyt gives in *Historical Papers* of C. W. Tuttle, p. 285, the following inscription on his monument, formerly existing in the church: "Ed-

mundus Randolph ex antiqua Familia ortus medicinae doct̄or exercitatiſſimus aliorum protelando vitam decuravit ſuam. Numerofa auctus prole Filiis decem mollioriſque ſexus quinque. Mundum ſimul ac domum locupletavit ſuam. Hisce libens ſociam dedit operam Deborah Femina, ſi quæ alia ſpectatiffima Dñi Aegidii Master nuper de civitate Canturiæ Armigeri Filia quarta uxor ſemper fida ſemper impeneſe dilecta. Ultima Lethi viſ rapuit rapietque gentes."

<sup>5</sup> *History and Topographical Survey of the County of Kent*, by Edward Hasted, 1797, Vol. VII. p. 135.

"Lessenden is an estate here, [Biddenden],

which remained in the family until 1808, when it was sold by the Rev. Herbert Randolph.<sup>6</sup>

The descendants of Bernard, who died in 1628, were numerous. By their marriages they became connected with families of social position and influence.<sup>7</sup>

The first record of Edward Randolph, after that of his baptism, appears in the list of law students of Gray's Inn, London, nothing having as yet been found concerning his childhood. He may have been for a time at Oxford, for in

a

denden], about a mile and a half northward from the church, which was formerly the residence of a family of the name of Boddenden, or Boddenham, one of whom William Boddenden, died possessed of it in 1579, leaving by his first wife a son William, who was afterwards knighted. He bore for his arms, *azure, a fess, between three chevrons, or*, and lies buried in the chancel of this church. His sister Jane having married Bernard Randolph, of this parish, clothier, he by that alliance became afterwards possessed of this estate, of which he died possessed in 1628, and was buried by his wife in the chancel of this church. His eldest son William was of Burton, in Kennington, where his posterity afterwards remained. John, the third son, went to Virginia, where his descendants still continue; and Edmund, the fifth son, travelled into Italy, and took the degree of M. D. at Padua, and on his return was incorporated into the University of Oxford in 1628; afterwards he practised physic at Canterbury, and, dying in 1649, was buried in St. George's church there, leaving a numerous issue, one of whom was Bernard, author of the account of the Archipelago. Herbert, the fourth son, succeeded him in this estate, whose

grandson Herbert Randolph, esq., was recorder of the city of Canterbury, and died possessed of Leffenden in 1724, leaving numerous issue by his two wives. By the first he left only two surviving children, Herbert; and Mary, who married Christopher Parke, M. D. By his second wife he had eight children, Thomas, D. D., late President of Corpus Christi College, Oxford; George, M. D., of Bristol; Francis, D. D., principal of Alban Hall, Oxford; and Charles, bred to the law; and four daughters, of whom a further account may be seen under Addington. They bear for their arms, *Gules, on a cross, argent, five mallets pierced, sable*.

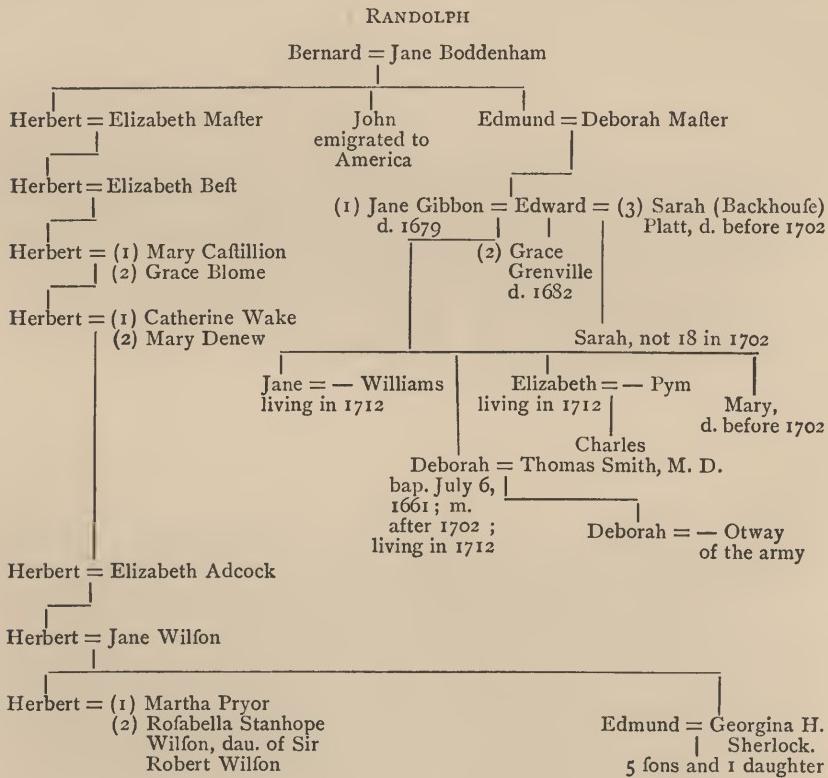
"Herbert Randolph, clerk, the only son by his first wife, succeeded him here. He died in 1753, leaving issue only by Catherine his first wife, daughter of Edward Wake, D. D., prebendary of Canterbury; one son, Herbert, and a daughter, Mary. Herbert Randolph, the son, is of Wiltshire, and is in holy orders, and married Elizabeth Adcock, of Ashford; he is the present possessor of this estate."

<sup>6</sup> *Historical Papers* of C. W. Tuttle, notes by Colonel Hoyt, p. 283.

<sup>7</sup> *Ibid.*, p. 286. Colonel Hoyt acknowledges

a letter to Sir Robert Southwell he speaks of his university acquaintance, and he carried with him to America a view of the colleges,<sup>8</sup> but his name has not been found in the list of

knowledges his obligations for his genealogical information to Edmund Randolph, Esq., of the Isle of Wight.



<sup>8</sup> *Diary of Samuel Sewall*, 28 March, 1688. "After, Mr. Randolph saw me, and had me to his house to see the Landscips of Oxford Colleges and Halls." See his letter to Sir Robert Southwell, 3 May, 1684, *post*.

of matriculated students.<sup>9</sup> The entry of admission to Gray's Inn is as follows: "1650 Nov. 12. Edward Randolph, son of Edmund R., late of Canterbury, Doctor of Physic."<sup>10</sup> How long he remained there is not known, and searches to find out when he was called to the bar, if ever, have been fruitless.<sup>11</sup>

He probably returned to his native county after his residence in London as a student, for he married before 1660<sup>12</sup> Miss Jane Gibbon, born in 1640, daughter of Thomas Gibbon,<sup>13</sup> of West Cliffe, Kent, by his wife Alice Taylor. This marriage brought him into connection with the Mason family, through whose influence his whole future career was moulded.

His wife's brother, Dr. Richard Gibbon, married, 6 January, 1647-8, Miss Anne Tufton,<sup>14</sup> a granddaughter of Captain John Mason, one of the heirs to his large landed estate

in

<sup>9</sup> Letter to the editor from the Rev. T. Vere Bayne, Keeper of the Archives. "Ch. Ch. Oxford, 22 May, 1891. There does not appear to be any record of the matriculation of Edward Randolph between 1648 and 1660." *Register of the Visitors of Oxford* from 1647 to 1658, by Montague Burrows, Camden Society, 1881, p. 467. "The whole system of matriculation, never very regular, fell into great disorder in consequence of the trouble of the civil war and the subsequent Visitation. Men were very often not matriculated till years after they had become Scholars or Fellows of Colleges, and often not at all."

<sup>10</sup> *Register of Admissions to Gray's Inn* from 1521 to 1889, edited by Joseph Foster. London, 1889. Folio 1058.

<sup>11</sup> Letter to the editor from Mr. W.

R. Douthwaite, librarian of Gray's Inn, 23 July, 1891. "I have not been able to trace Edward Randolph's call to the bar."

<sup>12</sup> The record of baptism of the first child, Jane, has not been found; that of the second, Deborah, is 6 July, 1661. A third, Elizabeth, was born in 1664; there was also a fourth child, Mary, the issue of the first or second marriage.

<sup>13</sup> Thomas Gibbon was the great-great-grandfather of Edward Gibbon, the eminent historian, the descent being as follows: Thomas, Matthew, Edward, Edward, Edward the historian. Jane Gibbon was baptized 26 Nov. 1640. See *Kent Co. Pedigrees* by William Berry, 1830, p. 410.

<sup>14</sup> *Capt. John Mason*, by John Ward Dean, Prince Society, 1887, p. 43.

in New England. Robert Tufton, a brother of Mrs. Anne (Tufton) Gibbon, assumed the name of Mason in 1655, or before,<sup>15</sup> in accordance with his grandfather's will, and immediately upon the restoration of royal authority in England in 1660 became active in prosecuting his claims to New Hampshire, which had been, as he asserted, usurped by the Puritan colonists of Massachusetts.

Through the influence of Robert Mason, undoubtedly, who was a staunch royalist, and known to the Court circle, Edward Randolph was employed by the Commissioners to buy timber for the royal navy. In the earliest letter which has been found, dated 12th August, 1661, and bearing the Kentish Post Office mark, he writes to the Commissioners of the Navy, that he had received a communication from them of the 9th of August; "in performance of the contents thereof I am going into the Wild of Kent, and such places as may w<sup>th</sup> most conueniency supply your wants: I doubt not but I shall procure a considerable quantity in a short tyme being very well acquainted in those parts."<sup>16</sup>

That he continued in the employment of the Commissioners of the Navy seems very probable from a letter written by him dated 2d February, 1666, in which he says to the Commissioners: "My urgent occasions inforce me to write that which I am euen ashamed otherwise to relate. I have been  
inforced

<sup>15</sup> *Capt. John Mason*, p. 39.

<sup>16</sup> *State Papers, Domestic*, Vol. 40, No. 41, M.S. in Record Office, London. Edward Randolph to Navy Commissioners, 12 August, 1661, *post*.

In the *Calendar of State Papers, Domestic*, 16 October, 1663, there is a

letter from John Randolph to Samuel Pepys, requesting that some empty casks at Lisbon should be sold to stop the further payment of rent for warehouse, and also that two boats there should be sold. This John Randolph may have been a brother of Edward.

inforced to sell my land upon which my timber grew for want of my money, and now am fled from my home, leaving a great family of servants to their owne disposing now a fortnight agoe. My Creditors will for beare noe longer soe that I must either fly my country or starue in goale. I dare not returne home till I haue money to satisfy such whome my delayes haue made deaffe to all entreaties of forbearance, I haue noe freind to relieue me in this sad condition: therefore I cast my selfe & all my concernes at your feet & humbly & earnestly craue y<sup>r</sup> affiance.”<sup>17</sup>

The amount of the debt due to him was £205 10s., which appears on the indorsement of the letter, and was probably paid through influence at court,<sup>18</sup> for not long after he was in Scotland acting as agent for the Duke of Richmond.

Besides selling a portion of the estate on which he lived, his name is found on two deeds conveying his interest in lands in Kent jointly with members of his family. In the first deed<sup>19</sup> his mother's name appears, but not in the second.

<sup>17</sup> *State Papers, Domestic*, Vol. 190, No. 25, MS. in Record office, London. Edward Randolph to Navy Commissioners, 2 February, 1666, *post*.

<sup>18</sup> The royal government was a poor paymaster to its just creditors. Macaulay says in his *History of England*, 1861, Vol. I. p. 153: “It seemed insupportable that a sovereign, profuse beyond example in all that regarded his own pleasures, should be niggardly in all that regarded the safety and honour of the state.”

*Diary of Samuel Pepys*, 26 April, 1667. “Mr. Evelyn tells me of several of the menial servants of the court lacking bread, that have not received a

farthing wages since the king's coming in.” Pepys mentions also seamen starving in the streets.

<sup>19</sup> *Feet of Fines, Kent. Trin. 17 Car. II. [1665]*: “At Westminster between John Whitefeild, gent., and Deborah Randolph, widow, Edward Randolph, gent., William Randolph, gent., Giles Randolph, gent., & Bernard Randolph, gent., 5 messuages 5 barns 2 stables 260 acres of land 20 acres of meadow 40 acres of pasture & six acres of wood with appurtenances in Biddenden, Smarden, Trottenden, Hedcorne & Cranebrook. John Whitefeild pays £320.”

ond.<sup>20</sup> It is, therefore, probable that she died between the execution of the two.

His appointment as agent, in Scotland, for the Duke of Richmond was evidently made through the influence of Mr. Robert Mason, for his letter to the Duke from Edinburgh, dated 6 June, 1667, speaks of Mr. Mason's having the original power of attorney. The service upon which Mr. Randolph was sent required secrecy and despatch, and appears to have been a speculation, to a great extent, on the part of the Duke to procure timber to sell to the Commissioners of the Royal Navy, the war with Holland still continuing. In this letter he writes that he is disappointed at not meeting Mr. Browne, who has a letter of attorney from the Duke, "soe that I have nothing to shew at present, but have wrote to M<sup>r</sup> Mason for y<sup>e</sup> first Granted by y<sup>r</sup> Grace which I expect or another.

"I am informed that we have very eminent persons to deale w<sup>th</sup>all; wherefore that I may haue a cleare & speedy dispatch in Edinburgh, & also a safe paſſage into y<sup>e</sup> North, I beg your earnest letters to ſuch of y<sup>r</sup> relations here as you can confide in in a buſineſſ of profit that doth ſoe neer concerne your intereſt; & as I hope this will proue very advantageouſ, if wee be not delayed through corruption in this towne, which I feare." In a poſtſcript he adds, "Lord

Bellargoun

<sup>20</sup> *Feet of Fines, Kent. Trin. Car.* II. [1666]: "At Westminter, between John Fullager, and Edward Randolph, gent., & Jane his wife, William Randolph, fenr. gent., Giles Randolph, gent., William Randolph of Burton, gent., & Herbert Randolph, esq; 4

meffuages 5 barns 1 toft 5 gardens 5 orchards, 150 acres of land 20 acres of meadow 30 acres of paſture & 20 acres of furze & heath (jumpnor & bruere) with appurtenances in Biddenden & Cranbrook. John Fullager pays £200."

Bellargoun & S<sup>r</sup> John of Grant make great friends to oppose this." <sup>21</sup>

Writing a year later from Cromarty, in the northeastern part of Scotland, bordering on the sea, he says that he had been deceived in Mr. Browne, and that legal obstacles are being put in his way to prevent the shipment of the timber, and prays that the Duke will use his influence with the Council in Scotland to induce them to expedite the suits, concerning the ownership of the woods, which may be brought before them, and also with the Marquis of Huntley to receive permission from him to use his lands at the mouth of the river Spey to land timber on. "I have been some tyme arrived here, and I find what I always expected: M<sup>r</sup> Browne through the secret conniuance of y<sup>e</sup> family of y<sup>e</sup> Grants doth make it his busines to oppose all that haue any title or right to y<sup>e</sup> woods, being encouraged by such whose interest it is to stir up a faction, that thereby y<sup>e</sup> woods may be preserved: it is the cheife designe of all proprietors, & I beg your Grace in their behalfe to gett an order from y<sup>e</sup> Council of Scotland that w<sup>e</sup>euer pretences any haue against y<sup>e</sup> woods or any particular bargaine made by any pretended proprietor, that they lay not their arestment on y<sup>e</sup> woods nor our stock, but y<sup>t</sup> there may be a hearing before any of y<sup>e</sup> Lords of the Councill in Scotland, who shall have power to determine all causes about y<sup>e</sup> rights of y<sup>e</sup> woods. We haue 6000 Trees feld, which I expect dayly to be arested vpon some perticular contract either of M<sup>r</sup> Brownes

<sup>21</sup> *British Museum. Eng. Private Letters*, No. 21,947, fol. 63. Edward Randolph to the Duke of Richmond, 6 June, 1667, *post*.

Brownes or Arneales, who will hinder our carriing down our tymber all this summer: all y<sup>e</sup> boards y<sup>t</sup> are left are arrested on Browne's account; soe that our tyme y<sup>t</sup> wee should spend about carriing tymber will spend in tedious contentions at Law. Besides, it is expected y<sup>t</sup> all tymber transported hence should pay dutyes both here & at London, which I leauie to y<sup>r</sup> Grace to manage & preuent: pray secure for us from y<sup>e</sup> Marquesse of Huntley y<sup>t</sup> wee may haue liberty for Landing tymber at y<sup>e</sup> mouth of Spey to whome it belongs.

"All y<sup>t</sup> is expected for ruine of y<sup>e</sup> whole, is y<sup>t</sup> wee should by some forceable meanes attempt Brownes ejection, whome wee leauie to be disposed of by your Graces further order. I wish he were in England to make due satisfaction for y<sup>e</sup> damages done both to y<sup>r</sup> Grace & y<sup>e</sup> rest of proprietors. Could we but enjoy but a peaceable possession of y<sup>e</sup> woods I question not but to make the improouement answerable to y<sup>e</sup> expectation of all y<sup>e</sup> proprietors."<sup>22</sup>

No trace has yet been found to indicate where Randolph was living for nearly eight years after the date of the last letter. It has been surmised that he was connected with the Admiralty office on account of an expression used in one of his letters, in which he speaks of the Duke of York, the Lord High Admiral of England, as "my gracious master."<sup>23</sup>

It

<sup>22</sup> *British Museum. Eng. Private Letters*, No. 21,947, fol. 190. Edward Randolph to the Duke of Richmond, 22 June, 1668, *post*. The Duke married the famous beauty, Miss Frances Stuart, who was much admired in the court of Charles II. Pepys speaks of the be-

trothal in his *Diary*, under the date of 20 March, 1668.

<sup>23</sup> Letter of Randolph to the Earl of Clarendon, 14 June, 1682, *post*, in which he says: "I heartily congratulate the happy returne of his Royall H. my gracious master to Whitehall."

It has also been suggested that he was at one time in the employment of Sir Joseph Williamson,<sup>24</sup> who became Secretary of State in 1674, but both these suppositions are merely conjectural. It is, however, certain that he was favorably known to those in power through Mr. Mason, for when it was finally decided by the King, upon the advice of the Privy Council, to send a messenger to Massachusetts bearing a royal letter and a copy of the petitions and complaints of Mason and Gorges in regard to their territories in New England, Randolph received the appointment.

The grant of New Hampshire to Captain John Mason by the Council for New England in 1629,<sup>25</sup> and the other grants to him, conveyed only a title to the land, while the grant of the Province of Maine to Sir Ferdinando Gorges and Captain Mason by the same council in 1622 was confirmed to Sir Ferdinando in 1639<sup>26</sup> by a royal charter, in which were given rights belonging to a Bishop of Durham, making Sir Ferdinando lord and proprietor, with rights of government, of constituting ecclesiastical and civil courts, of presenting to benefices in the churches and chapels to be erected according to "the Religion now professed in the Church of England," which "shall be forever hereafter Professed," and making

<sup>24</sup> *History of New England*, by John Gorham Palfrey, Vol. III. p. 284, note, ed. 1864. "I took great pains while in England to learn something of the *antecedents* of Randolph, but without success. I have met with some hint, which I cannot recall, leading me to conjecture that he had been an underling in the office of Williamson, Secretary of State."

<sup>25</sup> *Captain John Mason*, edited by John Ward Dean, Prince Society, p. 183. In *Transcripts*, by J. S. Jennefs, p. 54, is given in full the "Title of Robert Mason to New Hampshire."

<sup>26</sup> *Sir Ferdinando Gorges and his Province of Maine*, edited by James Phinney Baxter, Prince Society, 1890, Vol. III. p. 123.

making the Province "immediately subject to our Crown of England & dependant upon the same forever." The grant to the Massachusetts Company by the same Council in 1627-28 was confirmed and enlarged by the King the next year. In this royal charter of 1628-29 were conferred upon the company the rights of choosing and appointing all officers, and of making all laws, provided they were not repugnant to those of England. The colonists construed the phrase "not repugnant" as meaning not repugnant to their spirit, so that any modification that took place gradually, or was due to a change of circumstances, was not regarded as a violation of the charter. The establishment, for instance, of the congregational form of church government, by which the laity hold the power of electing and deposing their ministers, and each church stands upon an equality in relation to the others, was considered lawful, and not contrary to English statutes.<sup>27</sup>

The

<sup>27</sup> *History of New England*, by John Winthrop (Savage), Vol. II. p. 351, 352, ed. 1853. "Though by our charter we are not bound to them [the laws of England], our fundamentals are framed according to them. Our allegiance binds us not to the laws of England any longer than while we live there, for, the laws of the parliament of England reach no further, nor do the King's writs under the great seal go any further. If by repugnant they mean, as the word truly imports, and as by the charter must needs be intended, they have no cause to complain, for, we have no laws diametrically opposite to those of England, for then they must be contrary to the law of God and of right reason."

*Ibid.*, Vol. II. p. 360, ed. 1853. "Our care and endeavour also hath been to frame our government and administrations to the fundamental rules thereof so far as the different condition of this place and people, and the best light we have from the word of God, will allow."

*Ibid.*, Vol. I. p. 389, ed. 1853. "To raise up laws by practice and custom had been no transgression; as in our church discipline, and in matters of marriage, to make a law, that marriages should not be solemnized by ministers, is repugnant to the laws of England; but to bring it to a custom by practice for the magistrates to perform it, is no law made repugnant, &c. So the laws of England and other states grew." The section of the charter reads, "to make lawes

The two different principles of government of State and Church planted in New England, the one feudal, the other popular, the one tending towards absolute monarchy, the other fostering an individual responsibility among the people, were to contend in a few years for mastery in England by force of arms. Before the civil war, however, broke out, the orderly settlement and rapid growth<sup>28</sup> of Massachusetts had awakened a feeling of jealousy in the mother country. It was feared<sup>29</sup> that a flourishing Puritan Colony in New England would influence and stimulate the Puritan faction in England, and efforts were accordingly made to prevent the threatened danger. A commission was issued in 1634 to Archbishop Laud and others to regulate the plantations, giving them absolute authority to displace governors, to erect civil and ecclesiastical courts, to inflict capital punishment, to revoke charters, to make ordinances "which may appertaine

lawes and ordinances for the good and welfare of the saide company, and for the government and ordering of the saide landes and plantation, and the people inhabiting and to inhabit the same, as to them from tyme to tyme shalbe thought meete. Soe as such lawes and ordinances be not contrarie and repugnant to the lawes and Statutes of this our realme of England."

<sup>28</sup> Relation of Captain Wiggin in *Transcripts*, by J. S. Jenks, p. 15, dated 19th of November, 1632. "ffor the plantation in the Mattachusetts the English there being about 2000 people, younge and old, are generally most industrious and fit for such a Worke, havinge in three yeares done more in buyldinge and plantinge, than others have done in seaven tymes that space, and with at least ten tymes lesse expence, being the

largest, best and most prospering in all that land."

<sup>29</sup> *Life of William Laud*, Archbishop of Canterbury, by P. Heylyn, D. D., Chaplain to Charles I. and Charles II., 1668, p. 369. "For how unsafe must it be thought both to Church and State, to suffer such a constant Receptacle of discontented, dangerous, and schismatical Persons to grow up so fast, as from the Bowels of the Trojan Horse, so many Incendiaries might break out to inflame the nation? And therefore to prevent such mischiefs as might thence ensue, it was once under Consultation of the chief Physicians who were to take especial care of the churches Health, to send a Bishop over to them for their better Government; and back him with some Forces to compel, if he were not otherwise able to perjuade obedience."

appertaine to y<sup>e</sup> maintenance of the clergie Government."<sup>30</sup> The execution of this commission would have annulled the charter of Massachusets, but no attempt was made to enforce it. If an attempt had been made, it is more than probable that the first blow against the tyranny of the Stuarts would have been struck, not in Scotland, but in Massachusets.<sup>31</sup>

Although

<sup>30</sup> *New England Historical and Genealogical Register*, Vol. XIV. p. 343. Commission to Archbishop Laud and others to govern New England, dated 28 April, 1634. "To the most reverend Father in God our well beloved and most faithfull Councillor, William by divine Providence Arch<sup>bp</sup> of Canterbury, of all England primate and metropolitan, the most reverend ffather in Christ Richard by divine Providence Arch<sup>bp</sup> of Yorke, etc." The Commission is long, and gives in detail full power to make and annul laws, to govern, to appoint and displace governors, to erect "Pretorian courtes," etc.

<sup>31</sup> *Transcripts of New Hampshire Documents*, by J. S. Jennefs, p. 31. Letter from George Burdett to the Archbishop of Canterbury, dated "Pascataq. Novemb. 29, 1638." "It is their Court Conclusion long since decreed to spend their blood in opposing all countermanks to their p'sent way & humour; to wch purpos they use all diligence to fortifie themselves; I do therfore conceive that yo<sup>r</sup> Grace will judg it necessarie to secure ye River & harbour for his maties use." Indorsed said 31 Januar. 1638-39. "Theire affection to shape of Government."

*History of New England*, by John Winthrop (Savage), Vol. I. p. 170, ed. 1853 [1634]. "£600 raised towards fortifications and other charges, which

were the more hastened, because there came over a copy of the commission granted to the two archbishops and ten others of the council, to regulate all plantations, and power given them, or any five of them, to call in all patents, to make laws, to raise tythes and portions for ministers, to remove and punish governors, and to hear and determine all caufes, and inflict all punishments, even death itself &c. This being advised from our friends to be intended especially for us, and that there were ships and soldiers provided, given out as for carrying the new governour, Capt. Woodhouse, to Virginia, but suspeicted to be against us, to compel us by force of arms, to receive a new governour, and the discipline of the church of England, and the laws of the Commissioners — occasioned the magistrates and the deputies to hasten our fortifications."

*Ibid.*, Vol. I. p. 183. "All the ministers, except Mr. Ward of Ipswich, met at Boston, being required by the governour and assitants, to consider of thefe two cases: 1. What we ought to do, if a general governour should be sent out of England? 2. Whether it be lawful for us to carry the crois in our banners? In the first place, they all agreed, that if a general governour were sent, we ought not to accept him, but defend our lawfull possessions (if we are able), otherwife to avoid or protract. For the matter of

the

Although the commission to the Archbishop of Canterbury would seem, from its comprehensive terms, to override the charter of Massachusetts, it was determined to vacate the patent legally, and accordingly a writ of *quo warranto* was issued in 1635, the principal instigators, besides the Archbishop,<sup>32</sup> being Sir Ferdinando Gorges and Captain Mason,<sup>33</sup> who were already known to be the declared enemies of the Puritan colony. They were the leading spirits in the Council for New England, and had devised a scheme to divide the entire northern part of the continent into twelve provinces,<sup>34</sup> with a general governor over the whole, dependent

the croſs, they were divided, and ſo deferred it to another meeting."

*History of Plymouth Plantation*, by William Bradford, ſecond Governor of the Colony, p. 328, edited by Charles Deane, 1856. "And ye Archbiſhops purpoſe & intente was by his meaneſ [Sir Ferdinando Gorges] & ſome he ſhould ſend with him (to be furnished with epifcopal power) to diſturbē ye peace of ye churches here, and to overthrow their proceedings and further growth, which was ye thing he aimed at."

<sup>32</sup> Letter of Emanuel Downing to Hugh Peter, in *Massachusetts Historical Society Collections, Fourth Series*, Vol. VI. p. 58. "The Biſhop cauſed a Quo Warranto to be ſued forth in the King's Bench againſt our Patentees, thinking to damme our patent, and put a generall governour over us."

<sup>33</sup> *Hiſtory of New England*, by John Winthrop (Savage), Vol. I. p. 122. "May, 1633. By theſe ſhips we underſtood that Sir Christopher Gardiner and Thomas Morton and Philip Ratcliff (who had been puniſhed here for their miſdemeaours) had petitioned to the King and Council againſt us (being ſet

on by Sir Ferdinando Gorges and Capt. Mason, who had begun a plantation at Pascataquack, and aimed at the general government of New England for their agent here, Capt. Neal)."<sup>35</sup>

<sup>34</sup> *Ibid.*, Vol. I. p. 192 [1635]. "By a letter from the Lord Say and report of divers paſſengers, it was certiſed to us that Capt. Mason and others, the adverſaries of this colony, had builte a great ſhip to ſend over the general governour &c. which being launcheſt fell aſunder in the midſt. It appeared likewiſe by a copy of a petition ſent over to us, that they had diuided all this country of New England, viz. between St. Croix in the eaſt, and that of lord Bartimore, called Maryland, into twelve provinces, diſpoſed to twelve in England, who ſhould ſend each ten men to attend the general governour coming over, but the project took not effect. The Lord frustrated their deſign."

The *Quo Warranto* of 1635 is given in full in the *New England Historical and Genealogical Register*, Vol. XXXVIII. p. 209, being a tranſlation from the Latin copy ſuppoſed to have been uſed by Sir John Banks at the trial in the Court of King's Bench.

ent upon the authority of the King. To this scheme the patent of Massachusets stood in the way. The suit to annul the charter appears to have continued about two years, without any apparent result,<sup>35</sup> although in the Easter term of the court, in 1637, certain corporators having appeared and disclaimed, and others not appearing, having been outlawed, "judgment was given for the King, that the Libertyes and Franchises of the said Corporators should be seized into the King's hands."

In the mean time, the Council for New England had come to the conclusion that it would be well for them to resign their charter of 1620 into the hands of the King, but before making the resignation they allotted among themselves their whole territory, dividing it into eight portions,<sup>36</sup> without having

<sup>35</sup> *Memorial History of Boston*, p. 343, article by Charles Deane. "The process was pending about two years. There was no service of the writ on the corporation, nor on any of the members in Massachusets."

*History of New England*, by J. G. Palfrey, Vol. I. p. 405, ed. 1864. "It was perhaps owing not a little to the decay of his [Sir Ferdinando Gorges] former activity that the proceedings under the quo warranto against the Massachusets company proved fruitless."

*History of New England*, by John Winthrop (Savage), Vol. I. p. 223, ed. 1853 [1636]. "The last winter Capt. Mason died. He was the chief mover in all attempts against us, and was to have sent the general governour, and for this end was providing shipping; but the Lord in mercy taking him away, all the busines fell asleep." *Ibid.*, Vol. II. p. 12. "It is said that Mason repented on his death bed for his enmity towards Massachusets."

*Captain John Mason*, Prince Society, p. 29. "The death [December, 1635] of so energetic a churchman and royalist was regarded as a divine favor by the Puritans of Massachusets Bay."

<sup>36</sup> *Records of the Council for New England*, in Proceedings of the American Antiquarian Society, April, 1867. "At a Meetinge att the Lord Gorges House ye 3<sup>d</sup>. Feb. 1634-5. present: Earle of Sterline; Lord Maultrovers. Lord Gorges. S: Ferd: Gorges. Capt: John Mason. . . Forasmuch as by a mutual agreemt wee . . . are to joyne in ye furrendr to his Mat<sup>y</sup> of ye Great Charter . . . and to ye intent yt every one of us according to equity and in some reasonable manner answerable to his adventures or other interest may enjoy a pportion of ye lands of ye fl<sup>d</sup> country to bee immediately holden of his Mat<sup>y</sup> etc." . . . division numbered 5 covering Massachusets fell to Lord Gorges, N<sup>o</sup> 6 to Capt. Mason, and N<sup>o</sup> 7 to Sir Ferdinando Gorges."

having any regard to the vested rights of the Massachusettts Company conferred originally by them, and confirmed and enlarged by the Crown, thinking, probably, that the patent of the Company would be annulled as speedily as had been that of Virginia in 1624. The reasons for resigning the grant are stated to be the encroachments of the Massachusettts colonists, "riding over the heads of all those Lords & others that had their Porcons assignd unto them in his late Mat<sup>s</sup> presence; that they have made themselves a free People, and framed unto themselves both new laws and new conceipts of matters of Religion & forms of ecclesiastical & temporall Orders & Governm<sup>t</sup>. But finding it a task too great for us to pform Wee rather chose to resign all into his Mat<sup>s</sup> hands to do therein as his Ma<sup>ty</sup> pleased, to whom wee conceived it did principally belong to have care of a busines of so high a consequence as now it is found to be."<sup>37</sup> The Council also petitioned the King to confirm the allotments, made among themselves, under his "Royall Signature. The faid Land to be holden immediately of y<sup>r</sup> Ma<sup>ty</sup> & submitting themselves to y<sup>r</sup> Ma<sup>ty</sup>s Govern<sup>r</sup> or Lieutenant of New England for the time being."<sup>38</sup>

The King, having accepted the resignation, appointed Sir Ferdinando Gorges Governor General of New England,  
"as

<sup>37</sup> *Records of the Council for New England*, meeting of April 18, 1635, at the Lord Gorges. The law restricting the right of civil suffrage, passed in the May session of the General Court, 1631, established the Congregational form as the Church of the Colony. "To the end the body of the commons may be preserved of honest & good men, it was

likewise ordered and agreed that for time to come noe man shalbe admitted to the freedome of this body politicke, but such as are members of some of the churches within the lymits of the same." *Mass. Records*, Vol. I. p. 37.

<sup>38</sup> *Ibid.*, meeting of the 26. day of Aprill 1635 at the Earl of Carlile's.

"as we have had of long time good experience of his fidelity, circumspection, & knowledg of his governmen<sup>t</sup> in martiall affairs & civill, besides his understanding of y<sup>e</sup> state of those Countrys, wherein he hath been an immediat mover & a principall Actor to y<sup>e</sup> great prejudice of his Estate."<sup>39</sup>

As already stated, the colonists, led by their magistrates and clergy, were determined not to accept a general governor, and to defend their lawful possessions, as well as they were able. A board of war, or military committee, was appointed, "to make offensive and defensive war; to imprison enemies of the commonwealthe and such as will not come under restraint to put such persons to death."<sup>40</sup> Orders were given to complete the fort and mount the cannon, while a beacon was to be erected to give notice of any approaching danger to the country.<sup>41</sup> To unite the people in defence of the "libertyes and privileges" of the colony, the residents' oath was to be exacted,<sup>42</sup> as well as the freemen's oath.

The

<sup>39</sup> *Records of the Council for New England*, same meeting.

A letter of Thomas Morton, who was retained as "Sollicitor for confirmation of the said deeds under ye Great Seale, as also to prosecute suite at Law for ye repealing of ye Patent belonging to ye Massachusets Company," to Jeffries in New England, printed in *Hutchinson's History of Massachusetts Bay*, 2d edition, London, 1765, Vol. I. p. 31, shows the exultation of the enemies of the colony at the prospect of annulling the charter, by which "the Kingdom of the separatists will fall asunder and the cropping of King Winthrop's ears" will take place.

<sup>40</sup> *Massachusetts Records*. On 3 September, 1634, a board of war was ap-

pointed, confiscting of five members, increased to eleven on 4 March, 1634-5, then reduced to seven 6 May. Henry Vane was made one of the committee 3 March, 1635-6.

<sup>41</sup> *Ibid.*, 4 March, 1634-5. "It is ordered that the ffort att Castle Island, nowe begun shalbe fully pfected, the ordinances mounted . . . there shalbe a beacon sett on the Sentry hill att Boston to give notice to the country of any danger. The deputy goūr overseer of the ffortificaōon att Castle Island shall haue power to preſſe men for that worke."

<sup>42</sup> *Ibid.*, "that eūy man of above the age of fifteeene yeaeres whoe hath beene or shall hereafter be resident within this jurisdiction by the ſpace of fixe moneths

The suit in the King's Bench being unsuccessful, an effort was made to obtain possession of the charter, which was in the hands of the Massachusetts colonists.<sup>43</sup> Great importance

moneths shall take the oath of residents." The oath was as follows: "I, A. B. being by God's Providence an inhabitant within the jurisdiction of this common wealth doe freely and sincerely acknowledge my selfe to be subject to the govt thereof, & therefore doe heare sweare by the greate & dreadfull name of the euer lyving God that I will be true & faithfull to the same & will accordingly yeilde affiance & support therunto with my pson & estate, as in equity I am bound, & will also truely indeavt to maintaine & preserve all the libertyes & privileges thereof," etc. For the full text of the Residents' oath and the Freemen's oath, see *Massachusetts Records*, Vol. I. p. 353, 354. The Freemen's oath was similar to that of the Residents, in most respects.

<sup>43</sup> *Memorial History of Boston*, p. 344. "The Privy Council Records have this entry under the date of May 3, 1637: Their Lordships taking into consideration the patent granted to the Governor of New England, did this day order, that Mr. Attorney-General be hereby prayed and required to call for the said patent, and present the same to the Board or the Committee for Foreign Plantations."

*Hutchinson's Collection of Papers*, Prince Society, Vol. I. p. 118: "Copie of a Letter sent by the appointment of the Lords of the Council to Mr. Winthrop, for the Patent of this Plantation to be sent to them. At Whitehall April 4th 1638. Present: Lord Archbishop of Canterbury, Lord Keeper, Lord Treasurer, Lord Privy Seale, Earle Marshall, Earle of Dorset, Earle of Holland, Lord

Cottington, Mr. Treasurer, Mr. Controuler, Mr. Secretary Cooke, Mr. Secretary Windebank. This day the Lords Commissioners for foreign Plantations, taking into consideration that the petitions and complaints of his Majestys subiects, planters and traders in New England grow more frequent than heretofore for want of a settled and orderly government in those parts, and calling to mind that they had formerly given order about two or three years since to Mr. Cradock a member of that plantation, to cause the grant or letters patent of that plantation (alleged by him to be there remaining in the hands of Mr. Winthrop) to be sent over hither, and that notwithstanding the same, the said letters patent were not as yet brought over: And their Lordships being now informed by Mr. Attorney General that a Quo Warranto had been brought according to former order against the said patent, and the same was proceeded to judgment against so many as had appeared, and that they which had not appeared, were outlawed.

"Their Lordships well approving of Mr. Attorney's care and proceeding therein did now resolve and order, that Mr. Meawtis, clerk of the Council attendant upon the said Commissioners for foreign plantations shoulde in a letter from himselfe to Mr. Winthrop inclose and convey this order unto him. And their Lordships hereby in his Majestys name, and according to his exprefs will and pleasure stictly require and enjoine the said Winthrop, or any other in whose power and custody the said letters patent are, that they fail not to transmit the

ance was attached to the possession of the original document by both parties in the struggle. This move also met with failure.

The feeble colony felt itself strong enough, in what was considered a righteous cause, to resist the demands of the Privy Council and oppose the schemes of the Archbishop, then at the height of his power,<sup>44</sup> who, not discouraged by his first failure, wrote to George Burdett, in New England, "assuring him that he would take a time for the redress of the disorders which he informed them of; but by reason of much busines which lay upon them, they could not at that time

the said patent hither by the returne of the ship in which the order is conveyed to them, it being resolued that in case of any further neglect or contempt by them shewed therein, their lordships will cause a strict course to be taken against them, and will move his Majestie to reassume into his hands the whole plantation."

The General Court's address, 6 September, 1638, to the Commissioners for foreign Plantations, says: "As for the quo warranto mentioned in the said order we doe assure your Lordships we were never called to answer to it: if our patent be taken from us, the common people here will consider that his Majestie hath cast them off. Freed from their allegiance and subjection they will be ready to confederate themselfes under a new government." *History of Massachusetts Bay*, by T. Hutchinson, 2d edition, Vol. I. p. 507. "It was resolved to be best not to send it, because people in England would conceive it to be surrendered." *History of New England*, by John Winthrop (Savage), ed. 1853, Vol. I. p. 269.

<sup>44</sup> *Life of William Laud*, by P. Heylyn, D. D., Chaplain to Charles I. and Charles II., p. 342. Proclamation by the King, 13 August 1637: "That Processes may issue out of Ecclesiastical Courts in the name of the Bishops, and that a Patent under the Great Seal is not necessary for the keeping of the said Ecclesiastical Courts. That the proceedings in the High Commission and other Ecclesiastical Courts are agreeable to the Laws and Statutes of this Realm." The opinion of the Judges upon which the Proclamation was based was entered as matter of record in the Star Chamber.

The authority of Charles I. was at that time apparently more firmly established than ever, the case of the ship money having been decided in favor of the Crown. Hallam in his *Middle Ages*, ed. 1862, Vol. II. p. 324, speaks of the "sweeping maxims of absolute power which servile judges and churchmen taught the Tudor and Stuart princes."

time accomplish his desire.”<sup>45</sup> Fortunately for the Massachusetts planters, the troubles in Scotland and the subsequent breaking out of the civil war in England prevented any attempt being made to coerce them.<sup>46</sup> However, another effort was soon made to obtain possession of the coveted parchment, which also ended in failure.<sup>47</sup>

The threatened danger from England being averted by the civil war, the colony assumed a position of neutrality<sup>48</sup> in the conflict, although in sympathy with the movement of reform,

<sup>45</sup> *History of Massachusetts Bay*, by Thomas Hutchinson, 2d edition, Vol. I. p. 86; also *Hubbard's History of New England*, p. 263.

<sup>46</sup> *History of New England*, by J. Winthrop (Savage), ed. 1853, Vol. I. p. 266 [1638]: “The troubles which arose in Scotland about the book of common prayer and the canons, which the King would have forced upon the Scotch churches, did so take up the King and Council, that they had neither the heart nor leisure to look after the affairs of New England.”

<sup>47</sup> *Ibid.*, Vol. I. p. 298 [1639]: “The Governour received letters from Mr. Cradock, and in them another order from the lords commissioners to this effect: That, whereas they had received our petition upon their former order &c. by which they perceived, that we were taken with some jealousies and fears of their intentions &c. they did accept of our answer, and did now declare their intentions to be only to regulate all plantations to be subordinate to the said commission; and that they meant to continue our liberties etc. and therefore did now again peremptorily require the governour to send them our patent by the first ship; and

that in the meantime, they did give us, by that order, full power to go on in the government of the people until we had a new patent sent us; and withal they added threats of further course, to be taken with us if we failed. This order being imparted to the next general court . . . an order was taken, that Mr. Cradock’s agent, who delivered the letter to the governour &c. should in his letters to his master, make no mention of the letters he delivered to the governour, seeing his master had not laid any charge upon him to that end.”

<sup>48</sup> *Ibid.*, Vol. II. p. 180. “The parliament had taught us *salus populi* is *suprema lex*. The King is enraged against us, and all his party, and the popish states, we ought not therefore to oppose parliament. We ought not to deny the authority of parliament as East Greenwich is in their power [the land in Massachusetts was held “as of our manor of East Greenwich in the County of Kent, in free and common Socage”] and if parliament should hereafter be of a malignant spirit etc. then if we have strength sufficient we may make use of *salus populi* to withstand any authority thence to our hurt.”

reform,<sup>49</sup> and highly favored both by Parliament<sup>50</sup> and Cromwell.<sup>51</sup> The attempt, a few years later, to influence Parliament against the colony, made in 1646 by Samuel Maverick, Doctor Child, and others,<sup>52</sup> who petitioned "for settled churches in New England according to the reformation of England; that a general governour or some honorable commissioners may be appointed," and asking "whether the patent of the Massachusetts was confirmed by parliament, and

<sup>49</sup> *History of New England*, by J. Winthrop (Savage), ed. 1853, Vol. II. p. 21 [1640]: "They [the fishing vessels] brought us news of the Scots entering England, and the calling of a parliament, and the hope of a thorough reformation etc. whereupon some among us began to think of returning back to England." *Ibid.*, Vol. II. p. 31. "The parliament of England setting upon a general reformation both of church and state, the earl of Strafford being beheaded, and the archbishop (our greatest enemy) and many others of the great officers and judges, bishops and others imprisoned and called to account, this caused all men to stay in England in expectation of a new world."

Hallam attributes the overthrow of Laud and Wentworth to the hostility of the practitioners of the common law. He says, in his *Constitutional History*, ed. 1861, Vol. II. p. 51: "It appears to me that the great aim of those two persons [Wentworth and Laud] was to effect the subjugation of the common lawyers. The arrogant contempt of the lawyers manifested by Laud and his faction of priests led to the ruin of the great churchman and of the church itself — by the hands chiefly of that powerful body they had insulted." The lawyers had always manifested a great jealousy of the spiritual jurisdiction.

<sup>50</sup> *Ibid.*, Vol. II. p. 42 [1641]: "An order was made that we shoud enjoy all our liberties &c. according to our patent, whereby our patent which had been condemned and called in upon an erroneous judgment in a *quo warranto* was now implicitly revived and confirmed." *Ibid.*, Vol. II. p. 236: "The parliament also had made an ordinance to free all goods from custom which came to New England." See also *Massachusetts Records*, 1643, May 10.

<sup>51</sup> *History of Massachusetts Bay*, by T. Hutchinson, 2d edition, Vol. I. p. 194, Leverett's letter to Endicot: "Although his Highnes and divers of the Council are very cordial friends to New England, yet there are not wanting those who wait an opportunity of complaints coming against you to usher in something else, the great priviledges belonging to New England being matter of envy, as of some in other plantations, so of divers in England, who trade to those places."

<sup>52</sup> *Massachusetts Records*, Vol. II. p. 7 October 1646: "They clearly insinuate into the minds of the people that those now in authority doe intend to exercise an unwarranted dominion & an arbitrary goūment, such as is abominable to y<sup>e</sup> Parliament & y<sup>e</sup> party in England."

*Winthrop's New England*, Vol. II. p. 293:

and whether it was necessary it should be, and whether the Court may forfeit their charter," was unsuccessful.

The petition and the controversy resulting from it led to a statement being made of the charter rights of the colony, as understood by the planters, in which Winthrop asserted firmly that the colony had power granted it to govern itself, making its own laws and electing its own officers, and that only in cases of matter of state could there be an appeal to England, the judgments of the civil and criminal courts of the colony being final.<sup>53</sup> The position assumed by the colony was acquiesced in by Parliament.<sup>54</sup>

Upon the restoration of monarchy in 1660<sup>55</sup> and the re-establishment of the Anglican church, fears were felt by the colonists that attempts would again be made to deprive them of their liberties, although the King's declaration, made at Breda, before coming to England, might have allayed their anxiety for a time.<sup>56</sup> The reaction, however, towards arbitrary

p. 293: "Their queries were chiefly about the validity of our patent and how it might be forfeited."

<sup>53</sup> *History of New England*, by J. Winthrop (Savage), ed. 1853, Vol. II. p. 279.

*Ibid.*, Vol. II. p. 183: "Though our patent frees us from appeals in cases of judicature, yet not in point of state."

<sup>54</sup> *History of New England*, by J. G. Palfrey, ed. 1864, Vol. II. p. 213.

<sup>55</sup> *Political Annals of the Present United Colonies from their Settlement to the Peace of 1763*, by George Chalmers, London, 1780, p. 239: "The restoration of Charles II. forms a remarkable epoch as well in the history of the colonies, as in that of the sovereign state. For usurpation had long reigned

triumphant on both sides of the Atlantic: and with that event was the constitution of both happily re-established."

*Ibid.*, p. 244: "That prince and that colony [Massachusetts] mutually hated, contemned, and feared each other during his reign."

*History of Massachusetts Bay*, by T. Hutchinson, 2d edition, Vol. I. p. 209: "I have no where met with any marks of disrespect to the memory of the late King, and there is no room to suppose they were under disaffection to his son, and if they feared his restoration it was because they expected a change in religion, and that a persecution of all non-conformists would follow it."

<sup>56</sup> *History of the Rebellion in England*, by Lord Clarendon, ed. 1826, Book

trary power in state and church was apparently irresistible,<sup>57</sup> and it did not spend its force until near the close of James the Second's reign. The Act of Uniformity of 1662 and subsequent acts passed by Parliament made the Church of England once more supreme,<sup>58</sup> while Lord Clarendon, the chief adviser,

Book XVI. p. 464. His Majesty's declaration "given under our sign manual and privy signet at our Court at Breda the 4<sup>th</sup> day of April, 1660, in the twelfth year of our reign. We do declare a liberty of tender consciences, and that no man shall be disquieted, or called in question, for differences of opinion in matters of religion which do not disturb the peace of the Kingdom; and that we shall be ready to consent to such an Act of Parliament as, upon mature deliberation, shall be offered to us for the full granting that indulgence."

<sup>57</sup> *Constitutional History of England*, by H. Hallam, ed. 1861, Vol. II. p. 317: "He [Lord Clarendon] did never dissemble, he says, from the time of his return with the King, that the late rebellion could never be extirpated and pulled up by the roots, till the King's regal and inherent power and prerogative should be fully avowed and vindicated, and till the usurpations in both houses of parliament since the year 1640 were disclaimed and made odious . . . I can only understand these words to mean that they [Parliament] might have been led to repeal other statutes of the long parliament, besides the triennial act, and that excluding the bishops from the house of peers; but more especially to restore the two great levers of prerogative, the courts of star-chamber and high-commission." The high-church party claimed that the headship of the church only had been changed, but not the power of the church itself. *Life*

of Laud, by P. Heylyn, D.D., p. 2: "But this expulsion of the Pope, as it did no way prejudice the clergy in their power of making *Canons*, *Constitutions* and other *Synodical* acts, but only brought them to a dependence upon the King for the better ordering of the same; so neither did it create any diminution of the Power and Privileges of the Arch-Bishops and Bishops in the free exercise of the Ecclesiastical Jurisdiction which anciently belonged to them." The Court of Star Chamber and the High Commission were considered by Heylyn as necessary "bridles to curb the Puritan faction." *Ibid.* p. 482.

<sup>58</sup> By the Act of Uniformity of 1662, every clergyman and every schoolmaster refusing to express by August 24 his unfeigned consent to everything contained in the Book of Common Prayer was to be precluded from holding a benefice. In May, 1664, a Conventicle Act was passed, by which any adult attending a conventicle was made liable to punishment, even to transportation. A conventicle was defined to be a religious meeting, not in accordance with the practice of the Church of England, at which more than four persons were present in addition to the household. In 1665 the Five Mile Act passed: no ejected minister was allowed to come within five miles of a borough town, or of any place in which he once held a cure, unless he took the oath of non-resistance and swore not to alter church or

adviser of the King, was known to be hostile to New England.<sup>59</sup> The news received by the colonists was not reassuring,<sup>60</sup> Mr. Leverett writing from England that "petitions and complaints were preferred against the colony to the King in Council, and to the parliament (a citation being posted upon the exchange in London) by Mason, Gorges and others," and that New England was again threatened with a general governor, as in Archbishop Laud's time. The anxiety felt by the planters twenty-five years before was revived,<sup>61</sup> and apparently not allayed by the receipt of "a most gracious answer" from the King to a loyal address sent to him by the General

or state. In 1673 the Test Act passed: no one could hold office who refused to declare his disbelief in transubstantiation, and who refused to receive the Sacrament according to the Church of England. See *Students' History of England*, by S. R. Gardiner, p. 585.

*Diary of Samuel Pepys*, 1660, May 22: "The old clergy talk as being sure of their lands again and laugh at the Presbytery." 1662, Dec. 31: "The Bishoppes are high and go on without any diffidence in preffessing uniformity." 1663, Nov. 9: [Mr. Blackburn] "told me how highly the prefent clergy carry themselves everywhere, so as that they are hated and laughed at by every one; among other things, for their excommunications, which they send upon the least occasions almost that can be."

<sup>59</sup> *History of the Rebellion in England*, by Lord Clarendon, ed. 1826, Book III. p. 327, speaks of the colony of Massachusetts as being "planted by a mixture of all religions, which disposed the professors to dislike the government of the church." *Ibid.*, Book XIV. p. 609. "New England has been too much

allied to all the conspiracies and combinations against the Crown not to be very well pleased that men of their principles had prevailed and settled a government themselves were delighted with."

<sup>60</sup> *Hutchinson's Collection of Papers*, Prince Society, Vol. II. p. 40. Letter from John Leverett, the Colony's agent, to "Govenor Endecott and the Generall Court, London 13 September, 1660. They [the complainants] move that a general governour may be sent to give releife to them. . . . The Quakers I heare have been with the King concerning your putting to death those of theyr friends executed at Boston. The geneall vogue of people is that a governor will be sent over. Episcopacy, common prayer, boweing at the name of Jesus, signe of the cross in baptisme, the altar and organs are in use and like to be more. The Lord keepe and preserve his churches that there may not be fainting in a day of tryall."

<sup>61</sup> *History of Massachusetts Bay*, by T. Hutchinson, 2d edition, Vol. I. p. 212.

General court of the colony.<sup>62</sup> Before the receipt of the royal letter instructions had been sent to Mr. Leverett that he should express the desire of the colony for the continuance of its rights and privileges,<sup>63</sup> and "for the renewing that ordinance that freed us from customs 10th March 42." The ordinance of 1651, in regard to the importation of goods from foreign parts, had not been enforced against New England.<sup>64</sup> The Navigation Act of 1660, called an

"Act

<sup>62</sup> *History of Massachusetts Bay*, by T. Hutchinson, 2d edition, Vol. I. p. 211. "The governor and assistants met forthwith; called the General Court to convene the 19th of December [1660]; a very loyal addres to the King was presently agreed upon; and another to the two houses of parliament." The addres to the King reminded him of his exile, "that he knoweth the heart of exiles who hath himself been an exile." That to the Parliament said they had left their native country that "wee might worship God without those humane mixtures which were imposed by the then prevayling hierarchie." For the King's letter, dated 15 February, 1660-1, see *Hutchinson's Collection of Papers*, Prince Society, Vol. II. p. 51. "Wee have made it our care to settle our lately distractred kingdoms at home, and to extend our thoughts to increase the trade and advantages of our colonies and plantations abroad. Amongst which as wee Consider New England to be one of the chiefest, having enjoyed and grown up in a long and orderly establishment, so wee shall not come behind any of our royll predeceffors in a just encouragement and protection of all our loving subiects there, whose application unto us, since our late happy

restoration, hath been very acceptable, and shall not want its due remembrance upon all seafonable occasions; neither shall we forget to make you and all our good people in those parts equal partakers of those promises of liberty and moderation to tender consciences expressed in our gracious declarations."

<sup>63</sup> *Ibid.*, Vol. I. p. 529, for the Court's Declaration of their Rights by Charter to June, 1661. "The governor and company are by the patent a body politique with power to make freemen. The governor, deputy governor, assistants and select representatatives or deputies have full power and authoritie, both legislative and executive, for the government of all the people here, whether inhabitants or strangers, both concerning ecclesiastical and civil, without appeals, excepting law or lawes repugnant to the lawes of England. We conceive any imposition prejudiciale to the country, contrary to any just law of ours (not repugnant to the lawes of England) to be an infringement of our right." *Massachusetts Records*, Vol. IV. p. 455. Instructions for our honoured and loving freinds Capt. John Leverett or in his absence Richard Saltonstall and Henry Ashurst Esq<sup>rs</sup>. 19th December, 1660.

<sup>64</sup> *Ibid.*, Vol. I. p. 195. "Cromwell obtained an act or ordinance of the parliament,

"Act for the Encourageing and increasing of Shipping and Navigation," threatened the colonists, as they feared, with the loss of their foreign trade.<sup>65</sup> Although this Act was somewhat modified shortly after its passage,<sup>66</sup> it was soon followed by other and more stringent ones, which the English government found itself powerless to enforce with any degree of rigor. The object of Parliament was to throw the carrying trade entirely into English hands, build up the marine, and make England the place of commercial exchanges.

parliament, prohibiting the plantations from receiving or exporting any European commodities except in English built ships, navigated by Englishmen, and all correspondence was forbidden with any nation or colony not subject to England and no alien was allowed to set up a factory or carry on a trade in the plantations. Virginia made heavy complaints, that they were not allowed to send off their produce to nor import necessaries from any foreign country, whilst England alone (they said) could not take off their produce, nor could they at that time be supplied from thence with all things necessary for them. But, however grievous this act might prove to the other colonies, it is certain that those of New England, whether it was designed or not, suffered nothing by it, . . . they were not only indulged in their trade, but that extraordinary privilege of having their goods imported into England, free from all custom which other subjects were liable to pay, seems to have been continued until the restoration. No wonder if they were envied by the other colonies, and if the merchants in England were dissatisfied also with the continuance of the last-mentioned extraordinary favour."

<sup>65</sup> For Extracts from the Navigation

Acts 1645-1696 see *American History Leaflets*, No. 19, edited by Albert Bushnell Hart and Edward Channing, 1895. That of 1660 is called *The first Navigation Act* of 12<sup>o</sup> Car. II. c. 18. That of 1661, *The Confirmatory Act* 13<sup>o</sup> Car. II. c. 14. That of 1662, *The Explanatory Act* 14<sup>o</sup> Car. II. c. 11. That of 1663, *The Second Navigation Act* 15<sup>o</sup> Car. II. c. 7. *An Act for the Encouragement of Trade*. That of 1672, *The Third Navigation Act* 25<sup>o</sup> Car. II. c. 7. *An Act for the incouragement of the Greenland and Eastland Trades, and for the better securing the Plantation Trade*. That of 1695-6, *The Colonial Navigation Act* 7<sup>o</sup> & 8<sup>o</sup> Gul. III. c. 22. *An Act for preventing Frauds and regulating Abuses in the Plantation Trade*.

<sup>66</sup> *Massachusetts Historical Society Collections, Fourth Series*, Vol. II. p. 279. "Concerning the Qualifying of the Act of Navigation." The Privy Council on the 13th of February, 1660-1, the King being present, ordered that merchants trading to New England should give bonds "onely to returne the Proceed of those Comodities that they shall there lade, and not binde them to returne the Comdityes in specie."

exchanges.<sup>67</sup> Although the colonists felt that by being deprived of the right, enjoyed for many years, to trade directly with foreign countries their privileges were violated,<sup>68</sup> still the General Court, not wishing to recognize the validity of an Act of Parliament which was not sanctioned by them, and yet unwilling to offend the King, repealed the law of the colony "that all ships w<sup>ch</sup> come for tradeing only from other parts shall have free acceffe to our harbours," and directed that the governor, or an officer appointed by him, shall "take effectuall course that bonds be taken of all shipmasters coming hither, and returnes made as the act requires, that so this country may not be under the least neglect of theire duty to his Ma<sup>ts</sup> just comands."<sup>69</sup>

News being received that further complaints were urged against the colony, and an order having come from the King to send agents to England, Simon Bradstreet, a magistrate, and the Rev. John Norton were selected, whose limited instructions, however, bound them "to do nothing which might

<sup>67</sup> For the effects of the Navigation Acts, see *History of the United States*, by George Bancroft, ed. 1879, Vol. I., p. 414. "The colonists were wronged both in their purchases and in their sales, the law cut them with a double edge."

<sup>68</sup> *Political Annals*, by George Chalmers, p. 407. "The general court of Massachusetts argued that the acts of navigation were an invasion of the rights and privileges of the subjects of his majesty in that colony, they not being represented in the parliament; because, according to the usual sayings of the learned in the law, the laws of England were bounded within the four seas, and did not reach America."

<sup>69</sup> *Massachusetts Records*, 7 August, 1661.

In *Ibid.*, 27 November, 1661, is given an account of certain French goods seized for violating the Acts of Trade, but the Court postponed action in the matter.

Copies of bonds were forwarded to England, as well as the order of the General Court regarding the Act of Navigation. See letter of Sir John Wolstenholme to Edward Rawson, Secretary of Massachusetts Colony, 11 February, 1663-4, in *Hutchinson's Collection of Papers*, Prince Society, Vol. II. p. 108. Edward Rawson's letter is found in *Massachusetts Archives*, Vol. LX. p. 6.

might be prejudicial to the charter."<sup>70</sup> The agents returned after a short stay in England, bringing with them a letter, dated 28 June, 1662, from the King,<sup>71</sup> which the colonists always

<sup>70</sup> *History of Massachusetts Bay*, by T. Hutchinson, 2d edition, Vol. I. p. 219.

For the instructions to the agents, see *Massachusetts Records*, 31 December, 1661. "You shall not engage vs, by any act of yours, to anything which may be prejudicall to our present standing according to patent."

<sup>71</sup> *Hutchinson's Collection of Papers*, Prince Society, Vol. II. p. 100.

"Letter from King Charles the second to the Massachusets. CHARLES Rex. Trusty and well beloved, Wee greet you well. Whereas wee have lately received an humble addres and petition from the generall court of our colony of the Massachusets in New England, presented to us by Symon Bradstreet and John Norton; Wee have thought it agreeable to our princely grace and justice to lett you know that the same have been very acceptable unto us, and that wee are satisfied with your expreſſions of loyalty, duty and good affection made to us in the ſaid addres, which wee doubt not proceeds from the hearts of our good ſubjects, and Wee are therefore willing that all our good ſubjects of that plantation do know that Wee doe receive them into our gracious protection, and will cheriſh them with our beſt encouragement, and that Wee will preſerve, and doe hereby conſirme the pattent and charter heretofore graunted to them by our royll father of bleſſed memory, and that they ſhall freely enjoy all the priviledges and libertyes graunted to them in and by the ſame, and that Wee will be ready to renew the ſame charter to them, under

our great ſeale of England, whenever they ſhall deſire it. And because the licence of theſe late ill times hath likewife had an influence upon our colony, in which they may have ſwerved from the rules preſcribed, and even from the government inſtituted by the charter, which wee doe graciously impute rather to the iniquity of the time than to the evill intents of the hearts of thoſe who exerciſed the government there. And Wee doe therefore publith and declare our free and gracious pardon to all our ſubjects of that our plantation, for all crimes and offences committed againſt us during the late troubles, except any ſuch perſons who ſtand attaynted by our parliament here of high treason, if any ſuch perſons have tranportedit themſelves into thoſe parts; the apprehenſion of whom and delivering them into the hands of justice Wee expeſt from the dutiful and affectionate obedience of thoſe our good ſubjects in that colony, if they be found within the jurisdiction and limmits thereof. Provided always, and be it in our declared expeſtation, that upon a review of all ſuch lawes and ordinances that are now or have been during these late troubles in praćtice there, and which are contrary or derogative to our authority and government, the ſame may be annulled and repealed, and the rules and preſcriptionis of the ſaid charter for adminiſtring and taking the oath of allegiance be henceforth duly obſerved, and that the administration of justice be in our name. And ſince the principle and foundation of that charter was and is freedom of liberty of conſcience, Wee doe hereby charge

always claimed afterwards was confirmatory of their rights. There were, however, certain clauses in the letter which appeared to be an entering wedge to undermine the independence of their government, and to introduce the Church of England, which would build up in the future a party devoted to the interests of the crown, the clergy preaching at that time the duty of non-resistance and passive obedience

of

charge and require you that that freedom and liberty be duly admitted and allowed, so that they that desire to use the booke of common prayer and performe their devotion in that manner that is establisched here be not denied the exercise thereof, or undergoe any prejudice or disadvantage thereby, they usyng theire liberty peaceably without any disturbance to others; and that all persons of good and honest lives and conversations be admitted to the sacrament of the Lord's Supper, according to the said booke of common prayer, and their children to baptisme. Wee cannot be understand hereby to direct or wsh that any indulgence shoud be graunted to thofe persons commonly called Quakers, whose principles being inconsistent with any kind of government, Wee have found it necessary, with the advice of our parliament here, to make a sharp law against them, and are well content that you doe the like there. Although Wee have hereby declared our expectation to be that the charter graunted by our royll father, and now confirmed by us, shall be particularly obserued, yet, if the number of assistants injoynd thereby be found by experiance, and be judged by the country, to be inexpedient, as Wee are informed it is, Wee then dispence with the same, and declare our will and pleasure, for the future, to be, that the number of the

said assistants shall not exceed 18, nor be les at any time than 10, Wee assuring ourselfe, and obliging and commanding all persons concerned that, in the election of the governor or assistants, there be only consideration of the wisdome and integrity of the persons to be chosen, and not of any faction with reference to their opinion or profession, and that all the freeholders of competent estates, not vicious in conversations, orthodox in religion (though of different persuasions concerning church-government) may have their vote in the election of all officers civil or millitary. Laifly, our will and pleasure is that at the next generall court of that our colony this our letter and declaration be communicated and published, that all our loving subjects may know our grace and favour to them, and that Wee doe take them into our protection as our loving and dutifull subjects, and that Wee will be ready from time to time to receive any application or address from them, which may concerne their interest and the good of our colony, and that Wee will advance the benefit and trade thereof by our uttermost indeavour and countenance, presuming that they will still meritt the same by their duty and obedience. Given at Hampton-Court, June 28th, in the fourteenth year of our reign. By his Majestys command,

"ED. NICHOLAS."

of subjects to their civil rulers, while the Puritan and independent ministers upheld the doctrine of the lawfulness of forcible resistance to tyranny.

Although orders had been given to repair the castle in Boston harbor, and put it in a state of defence,<sup>72</sup> the magistrates prepared to yield a modified obedience to the royal letter.<sup>73</sup> This was not sufficient to satisfy those then governing England. Scotland had already submitted completely to the royal authority.<sup>74</sup> New England alone maintained an attitude of thinly veiled defiance, Charles the Second not having been proclaimed king until 8 August, 1661, in Massachusetts. It was, therefore, proposed in 1662, and again the next year, to send commissioners

<sup>72</sup> *Massachusetts Records*, 27 November, 1661. John Leverett, who had been a captain in Cromwell's army, and, therefore, distasteful to the royal government, was appointed major-general 6 June, 1663.

<sup>73</sup> *Ibid.*, Vol. IV. Part II. p. 32. The law limiting the number of afflants to fourteen be repealed, and that the freemen have liberty to choofe eighteen according to the patent. *Ibid.*, 8 October, 1662. All writs to run in the King's name. *Ibid.*, 27 May, 1663. In regard to extending the right of suffrage, which was then restricted to members of the Congregational churches, the matter was put in the hands of a committee, "that something may be deduced and agreed upon, if it be the will of God, that may be satisfactory and safe, as best conducing to his glory and this people's felicity."<sup>75</sup> *Ibid.*, 27 May, 1663. In answering a petition "craving relieve in refference to ye impositions imposed on ship masters," the General Court reaffirmed their

former order that bonds shall be given by shipmasters that "take in as merchandize, sugar, tobacco, cotton, wooll, indego, ginger, fisticke or other dying wood of the growth, production or manufacture of any of the English plantations in America, Asia or Africa, that the said goods shall be carried to some other of his Mat<sup>ys</sup> plantations, or to England, Ireland, Wales, or the towne of Berwicke upon Tweede." On 21 October, 1663, officers were appointed for the chief ports to see to the execution of the act of trade.

The Rev. John Eliot had already in May, 1661, "disowned" any doctrine contained in his book, the "Christian Commonwealth," which might be supposed to attack the institution of monarchy.

<sup>74</sup> *Massachusetts Historical Society Collections, Fourth Series*, Vol. VIII. p. 166, "And now Scotland is under the same conformity with England to have the Hierarchy & Liturgy among them."

missioners across the Atlantic "to see how the Charter is maintayned."<sup>75</sup>

Hutchinson<sup>76</sup> writes that "from the restoration until the vacating the charter, the colony never stood well in England; the principal persons, both in church and state were never without fearful expectations of being deprived of their privileges. The years 1664 and 1665 afforded them greater occasion for fears than they had met with at any time before. In the spring of 1664 intelligence was brought that several men of war were coming from England, and several gentlemen of distinction aboard them. As soon as the general court met in May, they ordered the captain of the castle to give the speediest notice, upon sight of the ships, to the governor and deputy governor, appointed a committee to repair on board to present the respects of the court to the gentlemen, and to acquaint them, that it was the desire of the authority of the place, that strict orders should be given to the under officers and soldiers, for their coming ashore to refresh

<sup>75</sup> *Massachusetts Historical Society Collections, Fourth Series*, Vol. II. p. 284. "Order in Council at Whitehall the 25th of September 1662 at the Committee for plantations. The settlement of the Plantations in New England seriously debated and discussed and the Lord Chancellor declared then that his Majestie would speedily send commissioners to settle the respective Interests of the severall Colonies. The Duke of York to consider of the choice of fitt men." *Ibid.* "Order in Council, at Whitehall, the 10th of Aprill, 1663. Present the King's most excellent Majestie. A letter from New England and severall Instruments and Papers being this day read at the Board, his Majestie (pref-

ent in Councell) did declare that he intends to preserve the charter of that Plantation, and to send some commissioners thither speedily to see how the Charter is maintayned on their part, and to reconcile the differences at present amongst them."

<sup>76</sup> *History of Massachusetts Bay*, by T. Hutchinson, 2d edition, Vol. I. p. 229. *Massachusetts Records*, Vol. IV. Part II. p. 110. Orders were given to the captain of the castle to keep a strict watch "for the defence of this jurisdiction & the authority thereof," and signal for reinforcements "in case any shall attempt an assault upon you, or in passing by the Castle in ship, barque or boate shall refuse to be under Command."

refresh themselves, at no time to exceed a convenient number, and those without arms, and to behave themselves orderly, and to give no offense to the people and laws of the place. A day of fasting and prayer was appointed to be observed throughout the jurisdiction. And apprehending it to be of great concernment, that the patent or charter should be kept safe and secret, they ordered the secretary to bring it into court and to deliver it, together with a duplicate to four of the court, who were directed to dispose of them as might be most safe for the country.”<sup>77</sup>

On the 23d of July the vessels of war conveying the troops<sup>78</sup> and two of the commissioners, Col. Richard Nichols and Col. George Cartwright, arrived in Boston. The other commissioners, Sir Robert Carr and Samuel Maverick<sup>79</sup> reached Piscataqua about the same time, the fleet having been dispersed by a storm. A feeling of apprehension went through the community, which was not allayed when the terms of the commission became known and the instructions given to the commissioners were gradually made public.<sup>80</sup> An indefinite

and

<sup>77</sup> *History of Massachusetts Bay*, by T. Hutchinson, 2d edition, Vol. I. p. 230.

*Massachusetts Records*, Vol. IV. Part II. p. 102, May 18, 1664: “To keepe safe & secure the said patent & duplicate in two distinct places.” The Secretary “delivered it to the Depy Go<sup>r</sup> Richard Bellingham Esqr. & the rest of the Committee in presence of the whole court and was discharged thereof.”

<sup>78</sup> According to Mr. Charles Deane’s account in the *Memorial History* of Boston, between three and four hundred troops arrived.

<sup>79</sup> Samuel Maverick is called in the

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*Massachusetts Records*, Vol. IV. Part II. p. 170, “our knowne and professed enemy.” Mr. Maverick is called Samuel Maverick Esq., and Col. Cartwright, George Cartwright, Esqr., in the commission.

<sup>80</sup> *Ibid.*, Vol. IV. Part II. p. 168: “These things occasioned in the hearts & minds of the people a deepe fence of the sad events threatening this colony, in case the commissioners should improue their power in such a manner as they feared they would.”

*Ibid.*, p. 136. Petitions were received by the General Court from Cambridge, Woburn, Concord, Boston and other towns,

and arbitrary power was granted in the commission.<sup>81</sup> The commissioners, whose tenure of office was apparently for life, were to act as a court of appeals, completely superseding the final jurisdiction of the local courts, in all matters civil, criminal, and military in the colonies of Massachusetts, Connecticut, Plymouth, Rhode Island and Providence Plantations.

They were instructed to ask for reinforcements to subdue the Dutch at Manhattan, now New York, who had always been looked upon as intruders upon land belonging to England.<sup>82</sup> They were to see that orders were given for the strict observance and execution of the Act of Navigation.<sup>83</sup>

They

towns, "in which they testified & declared their good content & satisfaction they tooke & had in the present gouernment in church & commonwealth, with their resolution to be assisting to & encouraging the same, & humbly desiring all means might be used for the continuance & preservation thereof."

<sup>81</sup> The commission is given in the *Massachusetts Records*, Vol. IV. Part II. p. 161: "Colonel Richard Nicolls during his life shall be alwayes one and have the casting & decisive voyce," the commissioners to "have full power & authority to heare, & receive, & examine, & determine all complaints & appeales in all causes & matters, as well military, as criminall & civil, according to their good & sound discretions."

<sup>82</sup> *Ibid.*, Vol. IV. Part II. p. 163, "who have, contrary to all right & justice, usurped and now possessed of his Majestyes dominions in & neere adjoyning to Hudson's River in America." Also *Records of the Council for New England*, 26 June, 1632.

<sup>83</sup> *Ibid.*, Vol. IV. Part II. p. 193: "You shall take care that such orders shall be established there that the act

of navigation be punctually observed, & that an entry be duly made of all ships freighted from thence, & that once every yeare there be a list returned to our farmers & officers of the customs of all such shippes and the burden, the masters names & the true & exact bills of lading, & because you know w<sup>th</sup> how great earnestnes our two houses of Parliament formed & presented to us for our royll assent the act of navigation, as of infinite concernment to the trade & benefit of this our Kingdome & all the rest of our dominions . . . a thing wee well know the heart of this whole nation are set upon, therefore you must let the council & assembly there know that wee cannot but take notice how much that act is violated & transgressed there . . . some men pretending as if some acts made in the assembly there during the last rebellion were still in force, notwithstanding the said act of Parliament, which assertion wee must not suffer to be made about the validitie of that act of Parliament (to which wee require & will exact an entire & full obedience)."

They were to request that the wishes contained in the King's letter of the 28th of June, 1662, should be complied with;<sup>84</sup> that the use of the Book of Common Prayer should be allowed, and that magistrates and other officers should be elected without regard to their religious opinions.<sup>85</sup> The colonists were also commanded to restore to Ferdinando Gorges the province of Maine, granted to his grandfather, Sir Ferdinando, and now usurped by the governing faction of Massachusetts.<sup>86</sup>

To the demand for troops against the Dutch, the response of the Massachusetts authorities was as prompt and favorable

<sup>84</sup> The King's letter, dated 23 April, 1664, brought by the Commissioners, is in *Massachusetts Records*, Vol. IV. Part II. p. 158. In this letter the King says he wishes "to discountenance those unreasonable jealousies & malitious calumnies that our subjects in those parts doe not submit to our government, but looke upon themselves as independant upon us & our lawes . . . as we have formerly expressed to you, wee are very willing to confirme or renew the sajd charter, & to inlarge the same w<sup>th</sup> such other or further concessions as upon the experience you have had & the observation you have made, you judge necessary or convenient for the good & benefit of that our plantation."

<sup>85</sup> *Ibid.*, p. 192: "That all persons take the oath of allegiance, that all processes & administration of justice be performed in our name. That such who desire to use the Booke of Co<sup>m</sup>mon Prayer may be permitted to do so w<sup>thout</sup> incurring any penalty, reproach, or disadvantage in his interest, it being very scandalous that any persons should be debarred the exercise of his religion according to the lawes & custome of Eng-

land by thoſe who, by the indulgence granted, have liberty left to be what profeſſion in religion they please."

<sup>86</sup> *Ibid.*, p. 243. See the King's letter of 11th of June, 1664: "Wee have thought fit to signify our pleafure on the behalfe of the fajd Ferdinando Gorges, the petitioner, hereby requiring yow that yow forthwith make reſtitution of the fajd province unto him."

Among the twenty-six changes proposed by the commissioners to be made in the laws of the colony were: that the word "colony" should be ſubtituted for that of "commonwealthe"; that minifters of the Church of England ſhould receive no prejudice; that thoſe who return to the Church of England ought not to pay fines for ſo doing; that members of the Church of England be admitted freemen; that the law againſt the obſervance of Christmas be repealed; that the 30th of January be made a day of prayer and fasting for the barbarous and execrable murder of Charles I.; that the law eſtabliſhing a mint ſhould be repealed, coining being a royal prerogative.

ble<sup>87</sup> as it had been to the request of Cromwell, who had contemplated, in 1654, making a similar expedition.<sup>88</sup> The contingent from Massachusetts was, however, not needed, as the Dutch surrendered without resistance.<sup>89</sup> To the other demands made upon the return of the commissioners from New York very unsatisfactory answers were given.<sup>90</sup> The magistrates asserted that the act of navigation was observed by the colony;<sup>91</sup> that the use of the Book of Common Prayer would disturb their peace;<sup>92</sup> that the law restricting the right of suffrage to members of the Congregational churches had been repealed; that any one was eligible to office who was orthodox in his religious views;<sup>93</sup> that each church had liberty to appoint its own days of prayer and fasting;

<sup>87</sup> *History of Massachusetts Bay*, by T. Hutchinson, 2d edition, Vol. I. p. 236. The commissioners made a favorable representation "to his Majesty of the readines of the colony to have affisted against the Dutch if it had been necessary."

<sup>88</sup> *Ibid.*, Vol. I. p. 183.

<sup>89</sup> The articles for the surrender of New Amsterdam were ratified 29 August, 1664.

<sup>90</sup> *Massachusetts Records*, Vol. IV., Part II. p. 205. The commissioners said: "These answers are so farre from being probable to fatisfy the King's expectation, that wee feare they will highly offend him."

<sup>91</sup> *Ibid.*, p. 202.

<sup>92</sup> *Ibid.*, p. 200. "Concerning the use of the Common Prayer Booke wee conceive it is apparent that it will disturbe our peace in our present enjoyments."

<sup>93</sup> *Ibid.*, p. 117. "Concerning admission of freemen, this Court doeth declare that the lawe prohibiting all

persons except members of churches, & that also for allowance of them in any County Courts are hereby repealed; and doe hereby also order & enact, that from henceforth all Englishmen presenting a certificat under the hands of the ministers or minister of the place where they dwell, that they are orthodox in religion & not vitious in their lives, and also a certificat under the hands of the selectmen of the place, or the major part of them, that they are freeholders & are for their oun propper estate (without heads of persons) rateable to the country in a single country rate, after the usuall manner of valuation in the place where they live to the full value of tenne shillings or that they are in full communion with some church amongst us, it shall be in the liberty of all & every such person or persons being twenty fower yeares of age householders and settled inhabitants in this jurisdiction from time to time to present themselves & their defires to this

fasting;<sup>94</sup> and that the land claimed by Mr. Gorges was within the patent of Massachusets.<sup>95</sup>

The final struggle between the royal commissioners and the Massachusets magistrates took place when the commissioners announced their determination to sit in Boston, on 24 May, 1665, as a Court of Appeals, which the magistrates prohibited by sound of trumpet.<sup>96</sup> The commissioners, whose defeat was decisive, were soon recalled to England by the King, and the authority which they had set up in the province

this Court for their admittance to the freedome of this Commonwealthe and shall be allowed the priviledge to have such their desire propounded & put to vote in the Generall Court for acceptance to the freedome of the body politicke by the suffrage of the mg pte according to the rules of our pattent."

<sup>94</sup> *Massachusetts Records*, Vol. IV. Part II. p. 221. This was in answer to a demand made that the 30th of January should be made a day of prayer and fasting, according to the Act of Parliament 12<sup>o</sup> Car. II. c. 30, A.D. 1660. "That every thirtyeth day of January unlesse it falls out to be upon the Lords day and then the day next following shall be for ever hereafter sett apart to be kepte and obserued in all the churches and chapells of these Your Majestyes Kingdomes of England and Ireland Dominion of Wales and Towne of Berwick upon Tweede and the Isles of Jersey and Guernsey and all other Your Majestyes dominions as an Anniversary day of Fasting and Humiliation to implore the mercy of God that neither the guilte of that Sacred and Innocent Blood, nor those other finnes by which God was provoked to deliver up both us and our King into the hands

of cruell and unreasonablen men may at any time hereafter be visited upon us or our posterity."

<sup>95</sup> *Ibid.*, p. 236. According to the colonists' construction of the boundary clause in their charter, their northerly line was to be drawn east and west three miles north of the most northerly part of the river Merrimac. A line so drawn from the head waters of the river to the Atlantic included the settlements in New Hampshire and in Maine. The clause of the charter is as follows: "Also all those landes and hereditaments whatsover which lye and be within the space of three English myles to the northward of the faide river called Monomack alias Merrymack or to the northward of any and every parte thereof."

<sup>96</sup> Narrative of the Commissioners in *Hutchinson's Collection of Papers*, Prince Society, Vol. II. p. 140. "They proclaimed by sound of trumpet that the generall court was the supreamest judicatory in all that province, that the Commissioners pretending to hear appeals was a breach of their priviledges."

*Ibid.*, Vol. II. p. 117. Letter of Rev. John Davenport to Major General Leverett from New Haven, 24 of the 4, '65. "Their claiming power to sit authoritatively

province of Maine was overthrown by the Massachusetts colonists.<sup>97</sup>

The baffled commissioners threatened the colonists with the

thoritatively as a court for appeals, and that it be managed in an arbitrary way, was a manifest laying of a ground worke to undermine your whole government established by your charter . . . nor can I see that your preserving that authority and jurisdiction which the last King, by his roial charter gave you, can rationally be accounted an opposing the soveraignety which this King hath over you, seeing *id possunt reges quod jure possunt.*"

<sup>97</sup> *Massachusetts Records*, 3 May, 1665.

All the details of the controversy are to be found in the *Massachusetts Records*, Vol. IV. Part II. pp. 157-273, including letters, petitions, interrogatories, answers, affidavits, etc.

The colonists intrenched themselves behind their charter, "under the encouragement & security of which this people did at their oun charges transport themselves, their wives & families, over the ocean, purchase the lands of the natives, & plant this colony with great labours & hazards, costs & difficulties ; for a long time wrestling with the wants of a wildernes, & the burdens of a new plantation, having also now above thirty yeares enjoyed the aforesaid power & priviledge of government within themselves, as their undoubted right in the sight of God & man." They complained that the arbitrary action of the Commissioners was not only an infringement of their charter but an invasion of their rights as Englishmen under the "Magna Charta of England."

The royal commissioners answered "wee shall not loose more of our labours upon you, but refer it to his matys

wisdom, who is of power enough to make himself to be obeyed in all his dominions."

William Morice, Secretary of State, wrote to the Massachusetts Colony Feb. 25, 1664-5 that the commissioners had no authority to infringe any clause of the charter, but simply to see that its provisions were fully and punctually observed. "I am commanded by his Majestie to assure you againe of your full and peaceable enjoyment of all the priviledges and liberties granted to you by his Charter, which he hath heretofore and doth now againe offer to renew to you."

In speaking of the controversy, Hutchinson, who was inclined to support the royal prerogative, says in his *History of Massachusetts Bay*, 2d edition, Vol. I. p. 256: "There appears in the conduct of the general court upon this occasion, not an obstinate perverse spirit, but a modest steady adherence to what they imagined, at least, to be their just rights and priviledges. At the same time they endeavoured, not only by repeated humble addresses, and professions of loyalty, to appease the King, but they purchased a ship load of masts (the freight whereof cost them fifteen hundred pounds ster-ling) and presented to the King, which he graciously accepted ; and the fleet in the West Indies being in want of provisions, a subscription and contribution was recommended through the colony ; I find no record of the whole amount. Upon the news of the great fire in London, a collection was made through the colony for the relief of the sufferers. The amount of it cannot be ascertained. A large sum must have been raised."

the power of the King, while Lord Clarendon had already written that "it will be absolutely necessary that you perorme and pay all that reverence and obedience, which is due from subjects to their King, and which his Majesty will exact from you."<sup>98</sup> The total disregard of the orders of the commissioners concerning the Province of Maine by the Massachusets authorities led Colonel Nichols, who had gone to New York, to write to the Governor and assistants that their action might cause blood to be shed, warning them that the arm of the King could be stretched across the Atlantic.<sup>99</sup>

In

<sup>98</sup> Letter from the Earl of Clarendon to the Massachusets colony, in *Hutchinson's Massachusets Bay*, 2d edition, Vol. I. p. 544.

<sup>99</sup> Letter of Col. Nichols, dated from Fort James, in New York, June 12, 1668, in *Hutchinson's Collection of Papers*, Prince Society, Vol. II. p. 156, in which he says: "I was for some time past very unwilling to believe that you would reassume a power of government in the province of Mayne . . . but if you thinke his Majestyes arm will never be stretched forth . . . you may attempt anything . . . you may cause blood to be shed."

In their narrative, printed in *Hutchinson's Collection of Papers*, Prince Society, Vol. II. p. 140, the commissioners laid emphasis upon the fact that the colonists were Puritans and Nonconformists. "They yet pray constantly for their persecuted brethren in England . . . whoever keeps Christmas day is to pay five pounds. . . . This colony furnished Cromwell with many instruments out of their corporation and their collidg. . . . It may be feared this collidg may afford as many scismaticks to the church, and the corporation as many rebels to the King as formerly they have done, if not timely

prevented. . . . In this colony too, the King hath many loyall subjects, yet they are so overawed that they can doe nothing to remedy it. They only say it is now with them as it was with the King's party in Cromwell's time . . . their way of government is commonwealth like, their way of worship is rude and called congregational: they are zealous for it, for they persecute all other forms . . . they claim fort Albany, and beyond it all the land to the south sea. By their south sea line they intrench upon the Colonies of New Plymouth, Road Island and Conecticote; and in the east they have usurped Capt. Mafons and Sir Ferdinando Gorges pattents . . . They of this colony say that King Charles the first gave them power to make lawes and to execute them, and granted them a charter as a warrant against himself and his successors . . . they hope by writing to tire the King, Lord Chancellor and Secretaryes too; feaven yeares they can easilly spin out by writing, and before that time a change may come, nay, some have dared to say, who knowes what the event of this Dutch war will be."

In the letter<sup>100</sup> recalling the commissioners the King used very decided language. He spoke of Massachusets as being the

<sup>100</sup> *State Papers, Colonial, Entry Book 60*, p. 21, 10 Apr. 1666. "His Ma<sup>ts</sup> Letter to the Massachusets of the 10<sup>th</sup> April 1666 was likewise Read viz:

"CHARLES : R :

" His Ma<sup>ts</sup> having receiued a full informaçon from his commiss<sup>rs</sup> who were sent by him into New-England of their reception and Treatement in the severall Collonies and provinces of that plantation, in all which They haue receiued great satisfaction, but only that of the Massachusets, and his having likewise being [sic] fully informed of the account sent thither by the Councill of the Massachusets, vnder the hand of their prefent Governour of all the pasages and proceedings which haue been there between the said Comm<sup>rs</sup> and them, from the time of their first coming over, upon all which it is very evident to his Ma<sup>ts</sup> notwithstanding many expressions of great affection & Duty that those who governe that Collony of the Massachusets do beleive that the Commission given by his Ma<sup>ts</sup> to those Comm<sup>rs</sup> upon so many and weighty reas ons, and after so long deliberation is an apparent violation of their Charter, and tending to the dissolution of it, and that in truth they do upon the matter beleive That his Ma<sup>ts</sup> hath no Jurisdiction over them, but that all persons must acquiesce in their Judgments and determinations how unjust soeuer and cannot appeale to his Ma<sup>ts</sup> which would bee a matter of so high consequence, as every man discernes where it must end: His Ma<sup>ts</sup> therefore upon due consideration of the whole matter Thinks fitt to recall his said Comm<sup>rs</sup> w<sup>ch</sup> hee hath att this present done to the end hee may receiue from them a more

particular account of the state and Condition of those his plantations, and of the particular differences and debates they haue had with those of the Massachusets that so his Ma<sup>ts</sup> may passe his finall Judgement and determinaçō thereupon; His Ma<sup>ts</sup> exprefes command and charge is that the Governours and Councill of the Massachusets do forthwith make choice of ffour or ffive persons to attend upon his Ma<sup>ts</sup> whereof M<sup>r</sup> Richard Bellingham and Major hawthorne are to bee two, both which his Ma<sup>ts</sup> commands upon their Allegiance to attend, The other Three or Two to be such as the Councill shall make choice of. And if the said M<sup>r</sup> Bellingham bee the prefent Gov<sup>r</sup> another fit person is to bee deputed that Office till his returne. And his Ma<sup>ts</sup> will then in person heare all the Allegations, suggestions or pretences to right or favour that can be made on the behalfe of the said Collony, and then will make it appear how farr he is from the least thought of invading or infringing in y<sup>e</sup> least degree y<sup>e</sup> Royal Charter granted to the said Collony. And his Ma<sup>ts</sup> expects the appearance of the said perfons as soon as they can possibly repaire hither after they haue notice of this his Ma<sup>ts</sup> pleasure. And his farther command is that there may bee no alterations with reference to the Government of the Province of Maine till his Ma<sup>ts</sup> hath heard what is alledged on all fides, but that the same continue as his Ma<sup>ts</sup> Comm<sup>rs</sup> haue left the same untill his Ma<sup>ts</sup> shall farther determine. And his Ma<sup>ts</sup> farther expressly charges and commands the Governor & Councill there that they imediately sett all such persons at libty who haue been or are imprisioned only for petitioning or applying

the only colony in which the commissioners had not been received as they ought to have been.<sup>101</sup> He commanded that agents of the colony should be sent to England, and he further ordered that no alteration should be made in the bounds of the province of Maine until the matter had been fully heard and determined by him.

The defeat and the recall of the commissioners made the colonists fear that an attempt<sup>102</sup> would soon be made to coerce them, while the effect produced in England was to create a strong feeling that Massachusetts might throw off her allegiance and become an independent state.<sup>103</sup>

That

plying themselues to his Ma<sup>ts</sup> Comm<sup>rs</sup>. And that no man hereafter be imprisoned or molested for shewing respect to his Ma<sup>ts</sup> said Comm<sup>rs</sup>; and for the better prevention of all differences & disputes upon the bounds and limits of the feveral Colonies ; His Ma<sup>ts</sup> pleasure is that all determinations made by his Ma<sup>ts</sup> said Comm<sup>rs</sup> with reference to the said bounds and limitts may still continue and be observed till upon a full representation of all pretences his Ma<sup>tie</sup> shall make his own finall determinacon, and particularly that the present temporary bounds sett by ye Comm<sup>rs</sup> between the Collonies of New Plymouth and Rhode Island, untill his Ma<sup>tie</sup> shall find cause to alter ye same. And his Ma<sup>tie</sup> expects that full obedience be given to this signification of his pleafure in all particuler. Given at ye Court at Whitehall ye 10<sup>th</sup> day of Aprill 1666, in the Eighteenth yeare of his Ma<sup>t</sup> Reigne.

By his Ma<sup>ts</sup> Command

WILLIAM MORRICE."

<sup>101</sup> "The collony of the Massachusets was the last and hardliest perfuaded to use his Majestyes name in the formes of

justice. The commissioners visited all other collonies before this, hoping both that the submision and condefection of the other collonies to his Majestyes defires would have abated the refractoriness of this colony, which they much feared." *Narrative of the Commissioners, supra.*

<sup>102</sup> Letter of Captain Gookins, written to a friend in 1666, in *Hutchinson's Massachusetts Bay*, 2d edition, Vol. I. p. 250 : "In all probability a new cloud is gathering, and a new storm preparing for us, which we expect every day."

<sup>103</sup> This feeling had already existed for some time. Captain Leverett, then in London, was asked in 1661 by the privy councill, "whether if wee durft wee would not cast off our allegiance and subjection to his Majestey." See letter of Edward Rawfon to William Leete, Governor of New Haven, 4 July, 1661. *Hutchinson Papers*, Prince Society, Vol. II. p. 58. In 1663 there was a rumour in England that Whalley and Goffe, the regicides, were at the head of an armed force in New England, see *Ecclesiastical History of New England*, by

That no attempt at coercion was made was owing partly to the determined attitude of the Massachusetts authorities,<sup>104</sup> and partly to the disturbed political condition of England<sup>105</sup> and the foreign wars in which the nation was then engaged.<sup>106</sup>

The

by Joseph B. Felt, Vol. II. p. 302. Sir Robert Carr feared that the colonists might rebel; see his letter to the Earl of Lauderdale, 5 December, 1665, in the *Massachusetts Historical Society Proceedings*, April, 1859: "If the King would take the lands lying east to Connecticut River, and join it with Rhode Island to the King's Province, it would make a good receptacle for the King's loyal subjects, and be a great stop to the Massachusetts, if they should rebel."

<sup>104</sup> *Diary of John Evelyn*, 26 May, 1671, at a meeting of the commissioners of Trade and Plantations: "But what was most insisted on was to know the condition of New England, which appearing to be very independent as to their regard to Old England or his Mat<sup>y</sup>, rich and strong as they now were, there were greate debates in what stile to write to them, for the condition of that colony was such that they were able to contest with all other Plantations about them, and there was feare of their breaking from all dependance on this nation, his Mat<sup>y</sup> therefore commanded this affaire more exprefly. We, therefore, thought fit in the first place to acquaint ourſelves as well as we could of the ſtate of that place by ſome whom we heard of that were come newly from thence, and to be informed of their preſent poſture and condition; ſome of our

Council were for ſending them a menacing letter, which thoſe who better un derſtood ye peevish and touchy humor of that Colonie were utterly againſt."

*Ibid.*, June 6: "There was a long debate, but at length 't was concluded that if any, it ſhould be only a conciliating paper at firſt, or civil letter, till we had better information of ye preſent face of things, ſince we un derſtood they were a people upon the very brink of renouncing any dependance on ye Crowne."

*Ibid.*, June 21: "To Council againe, when one Coll. Cartwright, a Nottinghamshire man, (formerly in commission with Coll. Nicolls) gave us a conſiderable relation of that country, on which the Council concluded that in the firſt place a letter of amniftie ſhould be diſpatch'd."

<sup>105</sup> *Constitutional History of England*, by Henry Hallam, ed. 1861, Vol. II. p. 356: "The period between the fall of Clarendon in 1667 and the commencement of Lord Danby's administration in 1673, is generally reckoned one of the moſt disgraceful in the annals of our monarchy."

*Diary of Samuel Pepys*, 8 August, 1667: "I to my bookſellers; where by and by I met Mr. Evelyn and talked of ſeveral things, but particularly of the times; and he tells me that wiſe men do prepare to remove abroad what they have

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<sup>106</sup> The war with France from 1666 to 1668; with Denmark, 1666 to 1668; with Holland, 1666 to 1668; with Al-

giens, 1669 to 1671; with Holland, 1672 to 1674.

The war with Holland having ceased, Mr. Gorges and Mr. Mason tried again to induce the King and privy council to act on their behalf. They offered to resign all claim to their territories in New England on certain conditions.<sup>107</sup> It was then suggested to the authorities of Massachusetts that they might buy Mr. Gorges' patent,<sup>108</sup> and it was said at the same time that Charles the Second had thoughts of converting the provinces of Maine and New Hampshire into an estate for the Duke of Monmouth, from which he might draw a revenue.<sup>109</sup>

## The

have, for that we must be ruined, our case being past belief, the kingdom so much in debt."

The extravagance of the King led to the forcible closing of the Exchequer by royal command on 2 January, 1672. *Diary of John Evelyn*, 12 March, 1671-2: "an action, which not onely lost the hearts of his subjects, and ruined many widdowes and orphans, whose stocks were lent him, but the reputation of his Exchequer for ever, it being before in such credit, that he might have commanded halfe the wealth of the nation. The credit of this bank being thus broken did exceedingly discontent the people, and never did his Maj<sup>ts</sup> affairs prosper to any purpose after it, for as it did not supply the expence of the meditated war, so it melted away, I know not how." Evelyn, who was strongly attached to the Anglican church then speaks of the covetousness of the Bishops: "they were covetous after advantages of another kind, whilst his Majesty suffer'd them into a harvest, with which, without any injustice, he might have remunerated innumerable gallant gentlemen for their services who had ruin'd themselves in y<sup>e</sup> late rebellion."

<sup>107</sup> "The warre with Holland being

ended Robert Mason and fferdinando Gorges did againe [1674] renew their humble petition to his Maj<sup>ts</sup> for settling New England and doe propose the resigneing their Graunts to his Maj<sup>ts</sup> and taking others with lesse priviledges upon certtine conditions very advantageous to his Maj<sup>ts</sup> all which is under the present consideration of his Maj<sup>ts</sup> and most honourable privie Council." *Transcripts*, by J. S. Jennens, p. 54.

<sup>108</sup> Letter of Robert Thomson to Governor Leverett [1674] in *Hutchinson's Collection of Papers*, Prince Society, Vol. II, p. 180. "There has been much discourse and complaints about Mr. Gorges pattent; it were good, if such things were taken up, least in the future they prove prejudicial. If the country would buye out their claime it may be done."

*Ibid.*, p. 199. Letter of Gov. Leverett to Major Thompson [Thomson], Boston, 24 August, 1674: "Sir, for the busines of Mr. Gorges patent, which was granted, as by the date appeares, after the Massachusets, so that the jurisdiction lyeth within the government thereof, is without question here . . . might his pretentions be bought off for five hundred pounds ? "

<sup>109</sup> Letter of John Collins to Gov. Leverett,

The suggestion to buy the province of Maine did not bear fruit immediately. In the meantime Mr. Gorges and Mr. Mason, not content with urging their claims with great persistence, attempted to undermine the Massachusetts government by asserting that the quo warranto of 1635 had annulled the charter of that colony.<sup>110</sup> The attack was a menacing one, particularly as the privy council had advised that the complaints of Mr. Gorges and Mr. Mason should be transmitted to New England with orders from the King that Massachusetts should send agents to England to make answer

Leverett, 28 July, 1674, in *Hutchinson's Collection of Papers*, Prince Society, Vol. II. p. 183.

*Ibid.*, p. 205. Letter of John Collins to Gov. Leverett, 19 March, 1674-5. "The enclosed petition will shew you what they are about to put the King upon, a purchase of the propriety of the province of Main and Hampshire, and by whome transacted; he that the King should buy it for is the Duke of Monmouth, though nothing as yet is determined upon; many complaints are made against you; they have thoughts of sending a commissioner thither, and it was determined to do it with some force, but their more weighty affaires and want of money will hardly admit this, I suppose this summer; but a letter from his Majesty you will have to order some account of these things to bee given him, and I fear that which is aymed at is to call your patent to a strict account."

<sup>110</sup> *State Papers, Colonial, Bundle 52* (108), 12 January, 1675-6.

"Petition of Mason & Gorges.

"To the King's most Excellent Mat<sup>e</sup>.

"The humble petiōn of Robert Mason & fferdinando Gorges

"Praying that his Mat<sup>v</sup> would order examination to be made of ye proceedings against ye Massachusets charter.

"Sheweth

"That upon the 22<sup>th</sup> of Decem<sup>b</sup> last yo<sup>r</sup> Mat<sup>e</sup> was pleased in Council to order that the Agents for the Corpora<sup>c</sup>on of the Massachusets Bay in New England shoule attend yo<sup>r</sup> Mat<sup>e</sup> in Council as this day, to make answer to the Complaints of yo<sup>r</sup> pet<sup>s</sup>. But instead therof yo<sup>r</sup> pet<sup>s</sup> are served with an Order of this hon<sup>ble</sup> Board of the 10<sup>th</sup> instant To deliver Copies of the Grants of their Lands unto the said Agents, and that they also shall give Copies of such deeds as shalbe desired by the pet<sup>s</sup>.

"That in obedience to yo<sup>r</sup> Royal commands yo<sup>r</sup> pet<sup>s</sup> are ready to make the exchange, hauing only required the Copy of one Single Grant. And wheras the said Agents by their late petiōn to yo<sup>r</sup> Mat<sup>e</sup> seem desirous not to give yo<sup>r</sup> Mat<sup>e</sup> the trouble of a double hearing. In order therunto that wheras the patent of the said Corpora<sup>c</sup>on of the Massachusets Bay was Vacated by due proceſs of Law in the Raigne of yo<sup>r</sup> Mat<sup>s</sup> Royal ffather a Copy of the proceedings is hereunto annexed.

"Yor

answer to them.<sup>111</sup> The advice was favorably received by the King, who determined to act upon it, as the fierce struggle in which the colonists were then engaged against the Indians

"Yor pet<sup>rs</sup> therfore doe most humbly pray that yor Ma<sup>tie</sup> wilbe pleased to appoint a day for hearing and in the mean time that yo<sup>r</sup> Ma<sup>tie</sup> would order yo<sup>r</sup> Councill learned in the Law, to examine the said proceedings and glue yo<sup>r</sup> Ma<sup>tie</sup> an account therof.

"And yo<sup>r</sup> pet<sup>rs</sup> shall ever pray."

"[read 12 Jan<sup>y</sup> 1676]."

<sup>111</sup> *Massachusetts Historical Society Proceedings, Fourth Series, Vol. II.* p. 285. "The Governor & Magistrates of the Towne of Boston &c. in New England to send over their answser to the complaints of Mr. Mason & Mr. Gorges.

"At Whitehall December the 22<sup>d</sup> 1675. Present, the King's most excellent Majestey.

"Upon reading this day at the Board a Report of the Right Hon<sup>ble</sup> the Lords Committees for Trade and Plantacions, touching the Interest of M<sup>r</sup> Mason and M<sup>r</sup> Gorges, in the Provinces of New Hampshire and Mayne in the words following,

"May it please your Majestey, Wee have in pursuance of your Majesties Order in Councill of the thirteenth of January last past had severall meetings Examinations and debates touching the pretencions of M<sup>r</sup> Mason and M<sup>r</sup> Gorges to the Provinces of New Hampshire and Mayne in New England, and they infist upon many evidences for their right, insomuch that it was the humble advice of your Majestie's late Councill of Plantacions, by their reports of the twelvth of August 1671 That your Majestey should send over Commissioners in Order to Settle the many dif-

ferences arising about Boundaries &c. But when wee seriouly confidered this point of sending Commissioners, and how farr your Majestie's authority might bee therein also concerned Wee thought it not soe expedient (the charge also confidered) to imbarque your Majestey in a matter of doubtful consequence, nor do Wee think it proper (how faire soever the proofes of the Petitioners titles and sufferings appeare) to advise your Majestey to determine any thing ex parte, and without hearing what the Bostonians can say, who have not had any agents for them to make Answer in their behalfe, Therefore what Wee humbly propose to your Majestey is, that, upon hearing of the Peticions of M<sup>r</sup> Mason and M<sup>r</sup> Gorges read in Councill, your Majestey would reslove to send Copyes thereof to the said people of Boston letting them knowe, That you cannot dispence with the doing of Justice, or bearing much longer the complaints of your subje<sup>c</sup>t<sup>s</sup>, yet being unwilling to determine in a matter of soe much weight, without first hearing what they can say why your Majestey shold not give the Petitioners relief; your Majestey thinkes fit to tranmit Copyes of the said Peticions and Complaints, that they may consider well the allegations thereof, and both instruct and send over in the space of [ ] moneths, some Agents sufficiently impowered to answser for them, and to receive your Majesties determination in this matter, depending for judgment before you. All which is most humbly submitted.

"Whitehall 20<sup>th</sup> December 1675. His Majestey in Councill was pleased to approve of the said report And it is hereby Ordered

Indians under the leadership of King Philip seemed to offer an opportunity not to be neglected. At a meeting of the Committee of Trade and Plantations it was agreed "that this is the Conjunction to do some thing Effectual for the better Regulation of that Government, or else all hopes of it may be hereafter lost."<sup>112</sup>

In

Ordered that one of the principall Secretaryes of State doe prepare a letter for his Majesties signature, willing and requiring the prefent Governour and Magistrates of the faide towne of Boston and Massatusets Colony to send over their Agent or Agents fully instructed, within the space of six moneths from the receipt thereof, to answere the Petitions and Complaints of the said M<sup>r</sup> Mason and M<sup>r</sup> Gorges, Copyes whereof are to be transmitted unto them, That soe his Majestie may put an end to this matter, which hath soe long depended for judgment before him."

It had been proposed in the Privy Council previously that a fit person should be selected to act as Commissioner to settle the boundaries of the colonies in New England and to report from time to time how the people stood affected. *Diary of John Evelyn*, 3 August, 1671. "A full appearance at the Council. The matter in debate was, whether we should send a deputy to New England, requiring them of the Massachussets to reftore such to their limits and respective possessions as had petition'd y<sup>e</sup> Council; this to be the open commission onely, but in truth with secret instructions to informe us of the condition of those Colonies, and whether they were of such power as to be able to resist his Ma<sup>t</sup>y and declare for themselves as independent of the Crowne, which we were told, and which of late yeares made them refractorie. Coll. Middleton being called in, assur'd us they might

be curb'd by a few of his Ma<sup>t</sup>ys first-rate fregats, to spoile their trade with the islands; but tho' my President was not satisfied the rest were, and we did resolve to advise his Maj<sup>t</sup>y to send commission's with a formal commission for adjusting boundaries &c. with some other instructions."

*Ibid.*, 12 February, 1671-2. "We also deliberated on some fit person to go as commissioner to inspect their actions in New England and from time to time to report how that people stood affected."

<sup>112</sup> *State Papers, Colonial, Entry Book* 104, p. 92. 20 March, 1675-6.

*History of Massachusetts Bay*, by T. Hutchinson, 2d edition, Vol. I. p. 310. "In the height of the distrefs of the war, and whilst the authority of the colony was contending with the natives for the possession of the foil, complaints were making in England, which struck at the powers of government, and an enquiry set on foot, which was continued from time to time, until it finally issued in a quo warranto, and judgment thereupon against the charter."

An account of the devaftation caused by King Philip's war is given in *The Beginnings of New England*, by John Fiske, 1890, p. 240. "In Massachussets and Plymouth . . . the destruction of life and property had been simply frightful. Of ninety towns, twelve had been utterly destroyed, while more than forty others had been the scene of fire and slaughter. Out of this little society nearly

In the selection of a proper and efficient messenger to carry his commands to New England the King was undoubtedly influenced partly by Mr. Mason and partly by the favorable reputation that Mr. Randolph had evidently acquired in the court circle.<sup>113</sup> Upon his appointment Mr. Randolph, on 15 March, 1675-6, desired that instructions should be given him, and also that in case he should not live to complete the voyage the master of the ship should have orders to deliver the royal letter to the Massachusetts authorities.<sup>114</sup> His instructions were carefully prepared. He was to convey the complaints of Mr. Mason and Mr. Gorges, to deliver the royal letter to the authorities of the colony, and to see that they were read publicly in his presence and in the presence of the General Court, and then wait not longer than a month for an answer, which he was to bring back to England. He was also to examine and report upon the form of civil government, the ecclesiastical condition of the colony, and the state of the college, the population and the forces that could be raised with the number of experienced officers, the condition of the forts, the cause of the war then existing and

nearly a thousand staunch men, including not a few of broad culture and strong promise, had lost their lives, while of the scores of fair women and poor little children that had perished under the ruthless tomahawk, one can hardly give an accurate account. Hardly a family throughout the land but was in mourning. The war debt of Plymouth was reckoned to exceed the total amount of personal property in the colony; yet although it pinched every household for many a year, it was paid to the utter-

most farthing; nor in this respect were Massachusetts and Connecticut at all behind hand."

<sup>113</sup> See Randolph's correspondence with Sir Robert Southwell, the Earl of Clarendon, the Archbishop of Canterbury, and others of high social and political rank, *post.*

<sup>114</sup> *State Papers, Colonial, Bundle 52* (80), 15 March, 1675-6, *post.*

*Ibid., Entry Book 104*, p. 92, 20 March, 1675-6, *post.*

and its probable result, the trade and shipping, and the manner in which the acts of navigation were observed, what persons were the most popular, and how the people stood affected to England,<sup>115</sup> also "what Laws and ordinances are now in force there, derogatory or contradictory to those of England," and some minor points.<sup>116</sup>

The inquiry as to "what is the present state of y<sup>e</sup> Ecclesiastical Government?" was to be made in the interest of those partisans of the Church of England who believed that the statutes of Parliament bound the colonies, as well as the mother country. The Anglican Church being established by an Act of Parliament, it was argued that it should also be the church of the colonies.<sup>117</sup>

The inquiry "particularly how y<sup>e</sup> Trade and Navigation is

<sup>115</sup> *State Papers, Colonial, Entry Book 60*, p. 98, 20 March, 1675-6, *post.*

<sup>116</sup> *Ibid., Bundle 52* (89), 20 March, 1675-6. This record differs only from that in the *Colonial Entry Book 60*, p. 98, in the heading and indorsement. The heading in the *Bundle* is as follows: "It is recommended to M<sup>r</sup> Edward Randolph appointed to carry his Ma<sup>ties</sup> Letter to the Magistrats of the *Mattachusetts* in New England to informe himselfe, as much as he can, during his stay there, of the Points following." The indorsement is "Points of Enquiry given to M<sup>r</sup> Randolph by order of the Lrd<sup>s</sup> of the Committee at his departure for Boston."

<sup>117</sup> *Political Annals*, by George Chalmers, p. 144: "According to the ancient common law which hath been declared by statute, there can be no provincial church established, nor any ecclesiastical proceeding without the consent of the King, the supreme head.

. . . Those emigrants [the Puritans] were men, however, above all worldly ordinances. The laws of England, so justly celebrated by the panegyric of nations, they considered as not binding on them; because inapplicable to so godly a people. . . . They verbally admitted the King to be the supreme head of the church, and promised all lawful obedience to his power; But they asked not his consent when the church was established. And they would probably have deemed the royal interference as an invasion of their chartered rights."

*Ibid.*, p. 171: "As it [the law of England] had formerly *pared off* the encroachments of the pope, upon principles equally wise, it now as vigorously oppoſed the usurpations of the *lord-brethren* of Massachusetts. The pretensions of both, equally founded in the delusions of mankind, were equally inconsistent with every sound maxim of just government."

is carried on, whether directly to and from England, or otherwise, What number of Ships doe trade thither yearly, and of what burthen they are, and where built, and lastly what notice is taken of the Act of Navigation," was stimulated by a petition received January 19th, from some merchants in England, who prayed that "the people of New England may be reduced or compelled to trade according as yo<sup>r</sup> Ma<sup>ts</sup> Lawes have prescribed, otherwise the commerce & Navigacon of this Kingdome must inevitably suffer a very great diminution."<sup>118</sup> That the acts of navigation were not observed

<sup>118</sup> *Massachusetts Archives*, Vol. CVI. p. 210.

Petition of several merchants adverse to the people of N. E., rec'd Jany. 19, referred to Committee of Trade & Plantations, read Ap. 6, 1676.

"To the King's Most Excellent majestie:

"The humble Petition of diverse of yo<sup>r</sup> Ma<sup>ts</sup> Subjects trading to parts of Europe and also into yo<sup>r</sup> Ma. Dominions in America.

"Sheweth That for many years last past yo<sup>r</sup> Peticon<sup>s</sup> & others yo<sup>r</sup> Ma<sup>ts</sup> Subjects did importe from the several parts of Europe great quantities of goods, marchandizes of the product & manufacture of the several countrys into this yo<sup>r</sup> Ma<sup>ts</sup> Realme of England, of which a very great part was shipped for yo<sup>r</sup> Ma<sup>ts</sup> plantations in America, & did also bring back the proceed of their goods in the products of the said plantations, not only to serve this yo<sup>r</sup> Kingdome, but also did transport from hence vast quantities of all sorts to the other parts of Europe, t<sup>is</sup> yo<sup>r</sup> Ma<sup>ts</sup> Kingdome being by yo<sup>r</sup> Ma<sup>ts</sup> Acts of Navigacon made the Magazine both of European & American Commodities for the supply & furnishing of each other to the great increase of

yo<sup>r</sup> Ma<sup>ts</sup> Revenue, Encouragement of the Navigacon of this Kingdome & to the profit & advantage of yo<sup>r</sup> Ma<sup>ts</sup> subjects in general.

"But so it is may it please yo<sup>r</sup> Mat<sup>y</sup> that of late dayes yo<sup>r</sup> Ma<sup>ts</sup> subjects the Inhabitants of New England not at all regarding yo<sup>r</sup> Ma<sup>ts</sup> Acts of Navigacon do not only trade themselves directly to most parts of Europe with their own Ships, but do also admitt & encourage strangers to come & trade with them, wherby all sorts of Marchandise of the produce of Europe are imported directly into New England, from thence are carried to all the other of yo<sup>r</sup> Ma<sup>ts</sup> Dominions in America (& sold at far cheaper rates then any that can be sent from hence) & do take in Exchange the Commodities of the several plantations, which are transported to all the other parts of Europe without coming to this yo<sup>r</sup> Ma<sup>ts</sup> Kingdome, so that instead of this yo<sup>r</sup> Ma<sup>ts</sup> Kingdome being made the Magazine for all sorts of goods, New England is now become the great mart & staple, by which means the Navigation of this Kingdome is greatly prejudiced, yo<sup>r</sup> Ma<sup>ts</sup> Revenue inexpressably impaired, the price of commodities both home & fforaigne

observed by the Massachusetts colonists was well known,<sup>119</sup> and had been a matter of debate in the council chamber at Whitehall.<sup>120</sup> It was, therefore, considered important that Randolph

fforaigne lessened, trade decayed & yo<sup>r</sup> Ma<sup>t</sup>s subjects much impoverishd.

" Yo<sup>r</sup> peticon<sup>rs</sup> therfore most humbly implore yo<sup>r</sup> Ma<sup>y</sup> to take the whole matter into yo<sup>r</sup> Royal Considera<sup>r</sup>on, & that by some speedy & effectual course yo<sup>r</sup> faid Subjects, the people of New England, may be reduced or compelled to trade according as yo<sup>r</sup> Ma<sup>y</sup>s Lawes have prescribed, so that this yo<sup>r</sup> Ma<sup>y</sup>s Kingdome of England may again become the generall Magazine, that from hence not only yo<sup>r</sup> Ma<sup>y</sup>s other planta<sup>r</sup>ons but also New England may be furnished, & that all the products of yo<sup>r</sup> Ma<sup>y</sup>s Colonies in America may be according to yo<sup>r</sup> Ma<sup>y</sup>s lawes imported into this Kingdome, for default whereof the Commerce & Naviga<sup>r</sup>on of this Kingdome must inevitably suffer a very great diminution.

" And yo<sup>r</sup> Petitioners shall ever pray." [Signed by twenty-five].

<sup>119</sup> *History of Massachusett's Bay*, by T. Hutchinson, 2d edition, Vol. I. p. 269: " No custom house was established. The acts of parliament of the 12th and 15th of King Charles the second, for regulating the plantation trade, were in force, but the governor whose busines it was to carry them into execution, was annually to be elected by the people, whose interest it was that they should not be observed. Some of the magistrates and principal merchants grew very rich, and a spirit of industry and economy prevailed through the colony."

<sup>120</sup> *State Papers, Colonial, Entry Book 104*, p. 70, 4 February, 1675.

" IRREGULARITY OF TRADE, &c.  
" At the Committee of Trade and Plantations at the Councill Chamber in

White Hall, Friday, the 4<sup>th</sup> of Februry, 1675.

" Prefent

Lord Privy Seale Earle of Craven  
Earle of Bridgwater Visc<sup>t</sup> Fauconberg  
M<sup>r</sup> Secretary Williamson  
" New England

" The Lord Priuy Seale prefents a letter w<sup>ch</sup> came to him from Major Leveret in November last, bearing date from Boston, the 6<sup>th</sup> of September 1675. The letter was read, and his Lo<sup>p</sup> only desires a Copie of it.

" Upon this occasion their Lo<sup>p</sup>s entered into a debate touching New England, and propofed to confider in due tyme what may be the Points wherin it were necessary to have New England more in Dependence vpon his Maj<sup>e</sup>. As for Example, First in relation to y<sup>e</sup> irregularity of their Trade, and 2<sup>d</sup>y to bring y<sup>m</sup> to such an acknowledgm<sup>t</sup> of his Maj<sup>e</sup>s authority, as to submit and leave y<sup>e</sup> final determination and last refult of Superior Points to his Maj<sup>e</sup>. And whether the A<sup>c</sup>ts and Lawes there to be made shoule not have like approbation from his Maj<sup>e</sup> as in other Plantations.

" Their Lo<sup>p</sup>s thought it remarkable, (Whether the Sentence were Valid or no, Yet) that the King's Bench in Westminister Hall in 1635 tooke on them to Judg and determine vpon the Patent of New England, as in the Petition of M<sup>r</sup> Mason is at larg set forth.

" But on y<sup>e</sup> other fide, their Lo<sup>p</sup>s do ne<sup>t</sup> suppose, that to Confider New Englan<sup>l</sup> so, as to bring Them vnder Taxes and Impositions, or to fend thither a Governor to raise a fortune from Them, can be of any vfe or Service to his Maj<sup>e</sup>."

Randolph should inform himself, as well as he was able, in regard to the matter.

As for the statement made by Mr. Mafon and Mr. Gorges, that the patent of Massachusets had been legally annulled, the Lords of the Committee gave no opinion, but "Their Lo<sup>ps</sup> thought it remarkable, (whether the Sentence were valid or no, yet) that the King's Bench in Westminster Hall in 1635 tooke on them to Judg and determine upon the Patent of New England, as in the Petition of M<sup>r</sup> Mafon is at larg set forth."<sup>121</sup>

The most important, however, of all the inquiries was that relating to the laws and ordinances of the colony derogatory or contradictory to those of England. If it could be shown that they were repugnant to those of the realm, there would be ground for a suit to vacate the charter, although one of its clauses stated "That theis our letters patents shalbe firme and effectuall, and available in all things, and to all intents and construcons of lawe according to our true meaning herein before declared and shalbe conſtruēd, reputed and adjudged in all cases most favourable on the behalfe and for the benefitt and behoofe of the faide Governor and Company and their successors."

Under the clause granting power "to make Lawes and ordinnces for the good and welfare of the faide Company," the colonists had established a "Body of Liberties" based on the principles of Magna Charta and made applicable to their circumstances and condition.<sup>122</sup> Those fundamental laws were

<sup>121</sup> *State Papers, Colonial, Entry Book 104*, p. 70, 4 February, 167<sup>6</sup>. "That all and every the ſubjects of Vs our heirs or ſucceffors, which ſhall goe

<sup>122</sup> A claufe in the charter recites: to and inhabite within the faide landes and

were broad and liberal, breathing a spirit of independence totally at variance with the views prevailing in the classes then governing England. Their harmony with or repugnance to the existing laws of England would depend much upon the spirit in which they should be construed or interpreted.

Armed with his instructions and the royal letter,<sup>123</sup> Mr. Randolph, not wishing to lose time, immediately upon his landing in Boston, on 10th of June, 1676, after a tedious voyage of ten weeks from the Downs, went to see Governor Leverett and informed him of the object of his mission. The Governor invited him to meet the Council which had been called

and premises hereby menēioned to be granted, and every of their children which shall happen to be borne there, or on the feas in goeing thither or returning from thence, shall have and enjoy all liberties and immunitiess of free and naturall subjects within any of the dominions of Vs or heires or succefors, to all intents and purposess what ever as yf they and everie of them were borne within the realme of England."

For the Body of Liberties see the *Colonial Laws of Massachusets*, edited by William H. Whitmore: "The free fruition of such liberties, Immunitiess and priviledges as humanitie, civilitie and christianiitie call for as due to every man in his place and proportion without impeachment and Infringement hath ever bene and ever will be the tranquillitie and stabilitie of churches and commonwealths, and the deniali or deprivall thereof, the disturbance, if not the ruine of both." Equal justice to be administered to all, strangers as well as inhabitants. Laws to be made public. No barbarous punishments to be in-

flicted. No church censure to deprive any one of civil office or dignity. Every church to have free liberty of election and ordination of all its officers, etc.

Winthrop writes: "This session [General Court of December, 1641] continued three weeks, and established one hundred laws, which were called the Body of Liberties. They had been composed by Mr. Nathaniel Ward (some time pastor of the church of Ipswich; he had been a minister in England, and formerly a student and a practiser in the Courts of the Common law) and had been revised and altered by the court and sent forth into every town to be further considered of, and now again in this court they were revised, amended, and presented, and so established for three years, by that experience to have them fully amended and established to be perpetual."

<sup>123</sup> Letter of the King to the Government of Boston commanding them to send over agents, and to admit Ed. Randolph in Council, *State Papers, Colonial, Bundle 52 (74)*, 10 March, 1675-6, p. 6.

called for that afternoon. Mr. Randolph went to the meeting, where he found a chair placed purposely for him. Mr. Leverett, who had been a captain in Cromwell's army and evidently cared little for royal authority, looking at the King's letter, asked who Mr. Henry Coventry was, whose signature appeared at the bottom. Randolph answered that he was the King's principal Secretary of State. At the beginning of the reading of the letter Randolph took off his hat, his example being followed by three of the Council, the Governor, the Secretary, and the other three members present keeping theirs on, a mark of disrespect which must have irritated Randolph, fresh from the court circle. When the letter with the enclosed petitions of Mr. Mason and Mr. Gorges had been read, the Governor remarked that it contained matters of little importance and easily answered. Randolph then reminded the Council that he was empowered to receive the reply to the King's demand that agents should be sent to England within six months to answer to the complaints of Mr. Mason and Mr. Gorges, and that, if necessary, he was to wait a month for it. The Governor merely said they would take the matter into consideration. This first interview was very unsatisfactory.

After two days' consultation it was resolved by the Council that an answer should be sent to England immediately by a vessel ready to sail, no notice being taken of the King's command that Randolph was to be the bearer of it. On the 15th of June Randolph was summoned to meet the Council again, the Governor asking him if he intended to return to England by the ship whose captain was to carry the answer of the Council, a copy of which the Governor offered

offered to give to Mr. Randolph. He replied that he did not intend to go back so soon, having other matters to attend to, and asked if the Council had considered his Majesty's letter carefully enough and had decided in so short a time upon the agents to be sent to England. To this the Governor made no reply, and upon inquiry finding that Randolph had nothing else to communicate from the King, said that he looked upon him as Mr. Mason's agent, and that he might withdraw from the meeting.

In the meantime Randolph had lost no time in presenting the letters of introduction he had received from Mr. Mason to some of the principal inhabitants of the town, who welcomed him, as he writes, with much kindness. He found them all, including some of the chief officers of the militia, very loyal to the King. These letters were written designedly that their contents might be communicated to others. To counteract their effect a rumor was spread among the people that there was much confusion in England, that the Duke of York, with some of the nobility, had left the court and had applied to the city for assistance. This report Randolph contradicted. Having noticed in the harbor several vessels from Spain, France, other parts of Europe, and the Canaries, in open violation of the acts of trade, he went on the 16th to remonstrate with the Governor, who told him frankly that the colony was not bound by the laws of England; that they had power to make their own laws; that there was no appeal to England; that the King had confirmed their charter by his letter of 28 June, 1662; the King could, if he wished, enlarge their rights, but ought not in reason abridge them, they having at their own cost built

built up the plantation without the slightest aid from the Crown.

On the 23d of June, Randolph presented a memorial to the Governor, the Council being assembled at his house on that day, reminding him that the King had commanded the colony to send agents fully empowered to England, praying that a General Court should be called, the matter being of so great importance as to require the fullest deliberation and publicity, and stating that he would wait for the answer of the General Court. The only reply vouchsafed was that when he should be ready to start for England a copy of the Council's answer already sent would be given to him.

Having found, as he supposed, a party in the colony in sympathy with him, and expressing themselves as loyal to the Crown, Randolph next turned his attention to the provinces of New Hampshire and Maine. At the beginning of July he went to New Hampshire, which he speaks of as "belonging to Mr. Mason, but now divided by the Bostoners into three counties, and called by them Norfolk, Suffolk, and Middlesex." He visited several of the towns, acquainting the inhabitants with the object of his journey, and reading to them Mr. Mason's letter, which gave them, he says, great satisfaction. They complained of the usurpation and oppression of the Massachusetts colony, saying that they were not admitted to the sacrament of the Lord's Supper, their children were denied baptism, they did not have the liberty of choosing their own magistrates and officers because they did not belong to Congregational churches, and that ministers were imposed upon them. They also complained that the magistrates sent from Boston to try causes laid whatever fines and taxes they thought

thought fit upon their persons, estates, and trade, contrary to the laws of England; ever since the visit of the royal commissioners in 1665 they had been hoping to be relieved by the King of the oppressions they had suffered from the Massachusetts authorities. At Portsmouth he was visited by several of the chief inhabitants of Maine, belonging to Mr. Gorges, "now called Yorkshire by the Bostoners since their seizure of it," who made similar complaints, and expressed hopes that the King would grant them relief.

Having been invited, after his return to Boston, by Governor Josiah Winslow to visit him at New Plymouth, Randolph went to that colony. He describes the Governor as "a gentleman of loyal principles," by whose courage and conduct the Indians under King Philip had been defeated. This victory "makes him to be feared and not loved by his neighbors the Bostoners." In his conversation the Governor expressed great dislike to the Massachusetts authorities for their conduct towards the King, their encroachments upon the neighboring colonies, and laying what taxes they pleased upon their commodities imported into Massachusetts, their constant violation of the acts of trade and navigation, trading and encouraging all nations to trade with them, to the great prejudice of the kingdom, and saying finally that both New Plymouth and Connecticut would gladly submit themselves to a general government dependent upon the King, to which all the colonies of New England ought to be reduced, otherwise they "could never be secure, flourish, nor be serviceable to your Majestie."

Not satisfied with finding that some of the magistrates and others of official rank in Boston were friendly to the Crown,

Randolph

Randolph made inquiries as to the disposition of the people, the generality of whom he reports as being governed arbitrarily by the colonial authorities and desirous that the King would free them from their "bondage," and even some of higher position entreating him to represent their condition to the King, fearing if they should petition openly, they would be treated and punished by the magistrates, as those were who in 1666 had subscribed to a paper asserting the right of jurisdiction and sovereignty of the King over the colony.

Being ready to sail for England, Randolph went on the 20th of July to Governor Leverett to receive any despatches that might be prepared for him, when a reproof was administered to him for publishing to the inhabitants the object of his errand, and the contents of Mr. Mason's and Mr. Gorges' petitions, and for stirring up, as was said, a mutiny and disturbance and withdrawing the people from their obedience to the magistracy. To this reproof he replied that, if he had done wrong, upon complaint made to the King, justice would be done. He was then given a copy of the answer already sent to Secretary Coventry. At his departure the Governor and some of the magistrates entreated him to make a favorable report of the colony, adding that "those that blessed them God would blesse and those that cursed them God would curse; that whatever reports were rayfed against them, by wicked and evill minded men, to draw away your Majesties grace and favour from them, yet they were a people truely fearing the Lord and very obedient to your Majestie."

Previously

Previously to making his report<sup>124</sup> to the King, dated the 20th of September, after his return to England, having failed July 30th, and arriving in Dover on September the 10th, Randolph had written from Boston on June 17th to Secretary Coventry, from whom he had received his instructions, a letter in which he had used very plain language, denouncing the colonists in strong terms.<sup>125</sup> He writes: "I am credibly informed they deferre this busines till October next when their Ḡall Councill are to meet; these are their usuall methods of discountenancing all Affairs that come to them from his Ma<sup>t</sup>y. Nor can I expect better when yet they glory in their affronting S<sup>r</sup> Rob<sup>t</sup> Carr & other his Ma<sup>t</sup>s Com<sup>rs</sup> in this Country; neither are they to learn that old trade of inventing & spreading fals reports w<sup>ch</sup> are easily credited, coming (as they say) from very honest men in England: *Viz*, that upon his Ma<sup>t</sup>s intencons of supressing all Non-conformists meetings last March they were all in an uproar & going to cut one anothers throats, & that his Ma<sup>t</sup>y intends to alter y<sup>e</sup> Governm<sup>t</sup> & bring Episcopacy into New England, a thing more dreaded then y<sup>e</sup> Indian Warr. by such cunning p<sup>t</sup>tences whole herds of the meaner Inhabitants are frightened from their Obedience to his Ma<sup>t</sup>y into y<sup>e</sup> toyles of their unlimited authority. The Government of this Place  
confists

<sup>124</sup> *Hutchinson Papers*, Prince Society, Vol. II. p. 210. "A short narrative touching the delivery of your Majesties letters to the magistrates of Boston in New England," post.

In the *Historical Collections of the American Colonial Church*, Vol. III. p. 31, by W. S. Perry, D. D., is found the text of the petition of October,

1666, signed by upward of one hundred persons, "clearing themselves from the least imputation of so scandalous an evil as the appearance of disaffection or disloyalty to the person & Government of their lawful Prince & Sovereign."

<sup>125</sup> *State Papers, Colonial, Bundle 52* (86). Randolph to Coventry, 17 June, 1676, post.

consists of a Gov<sup>r</sup>. 11 Magistrates & a Sec<sup>y</sup> all yearly chosen ; most of them are inconsiderable Mechaniks packed by the prevailing party of y<sup>e</sup> faction's Ministry who haue a fellow feeling both in the Command & profit: these lay what imposiçons they please upon y<sup>e</sup> people; a tax of 20000*l* is out of hand to be collected for pay<sup>mt</sup> of the Army greatly discontented and in great Arrears & for defraying the publiq Charges of the Warr. The Clergy are generally inclined to sedition being Proud Ignorant & Imperious, Owen<sup>126</sup> & others, *ejusdem ffarinae*, are in great Veneraçon here, yet there are some Civil Gentlemen amongst them that upon all Occasions express their duty to his Ma<sup>y</sup> abominating the Hipocrify of their Pharisaicall Sanhedrim." He then speaks of the Militia as consisting of 10,000 foot and 1,000 horse, and 20,000 more can be raised. Amongst the officers Major Thomas Savage is a "gentleman of a very good family in England and loyal principles," and the only field officer that faced the Indians. " Goffe the Old Rebell is still in this Country, where he and others are harboured by their Antimonarchicall Profelites. One Dennifon is Major G<sup>r</sup>all and Chief Commander of the whole fforces, a Prudent man that sat at home in Councill being Indisposed to fight deviding y<sup>e</sup> Spoil with the Magistrates his brethren of y<sup>e</sup> Captive Indians. I am confidently assured by those that well understand the Affairs of this Country that 3 ffrigats of 40 guns with 3 ketches well manned lying a League or two below

<sup>126</sup> Rev. John Owen, D.D.; born 1616, died 1683; educated at Oxford; an opponent of Laud; private chaplain to Cromwell 1649; dean of Christ

Church, Oxford, 1651; vice chancellor 1652-1657; lost his deanery at the restoration in 1660; declined the offer of presidency of Harvard College in 1670.

below Boston with his Ma<sup>ts</sup> express Orders to seize all Shipping & pform other A<sup>Cts</sup> of hostility ag<sup>st</sup> these Revolters would bring them all to his Ma<sup>ts</sup> own terms and do more in one Weeks time then all the Ord<sup>rs</sup> of King & Councill to them in Seven years; there are severall Empericks in England that bolster up the deformed Anarchy with lying delusions sometimes informing that his Mat<sup>y</sup> is pswaded to sign tres and Orders to them & doth not really intend what he writes." As to the "reducing this Plantation to their due Obedience; this sumer would have effected it w<sup>th</sup> a very small trouble & charge, for the least stop upon their trade together with y<sup>e</sup> present disturbance from the Indians would turn them all upon their Magistrates and force them to an humble & ready Submission. The War in King Philips Country is smartly prosecuted by General Winflow with good succes, and they question not but to give them a total overthrow next Winter, if not before, having reduced them to great extreamities & killed most of their cheif Leaders."

This letter expresses the feeling which actuated Randolph from the beginning to the end of his official relations with the Maffachusetts authorities. He looked upon them as imbued with the Puritan spirit of revolt against the King and the established church. They in their turn hated him and thwarted him whenever it was possible.

The reply <sup>127</sup> to the King's letter, the original of which Governor Leverett refused to confide to Randolph, according to his account, but which the Council said they offered to

<sup>127</sup> *State Papers, Colonial, Bundle post*; also *Massachusetts Archives*, Vol. 52 (168). Rec<sup>t</sup> of his Mat<sup>y</sup>s lett<sup>r</sup> of III. p. 315. March y<sup>e</sup> 10<sup>th</sup>, 167<sup>5</sup>. dated 13 June, 1676,

to give him, was brief.<sup>128</sup> After stating that the royal letter as well as the petitions of Mr. Mason and Mr. Gorges had been read in Council in the presence of Mr. Randolph, and thanking the King for informing them of the complaints against them, it said that a meeting of the General Court could not be held immediately on account of the Indian war and the prevalence of an "Epidemicall Sicknes," and that by their charter the General Court was the only body that could answer the complaints, but that the matter would be attended to at the first opportunity. It then went on to say that "the matters of complaint contained in the said petitions as referring to this Colony are impertinencies mistakes & falsehoods, the proofe whereof wee doubt not, but to make out in our more perticular Answer"; that New Hampshire and Maine were "under his Majesties Government here in this Colony establisched," not only because their northerly line, according to their charter, included those provinces, but also because they had been earnestly solicited by the inhabitants to be taken under their protection. "The whole matter wee feare not to Submit to a just and equal determination, not doubting of his Majesties clemency & favour therein." Although the Governor had spoken of Mr. Randolph's mission as of little consequence, it was determined to call a special meeting of the General Court for August the 9th; accordingly a summons was issued on July the 10th.<sup>129</sup>

Upon

<sup>128</sup> *Massachusetts Archives*, Vol. III. p. 317. Anfwer of the Council to Edward Randolph, 26 June, 1676, *post*, see *ibid.*, Vol. CVI. p. 212; Randolph to Leverett, 23 June, 1676, *post*; *ibid.*, Vol. CVI. p. 213; Randolph to Gov-

ernor Leverett and Councill, 6 July, 1676, *post*; also in *Andros Traſts*, Vol. III. p. 210.

<sup>129</sup> *Massachusetts Archives*, Vol. III. p. 318. Order for General Court to meet. *To ye Constable of B.* [etc.]

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Upon the assembling of the Court on the appointed day, the Governor stated the reasons for calling a special session, and the Court, knowing that several of the clergy were in Boston at that time, decided to ask their advice "in so momentous a matter."<sup>130</sup> The clergy advising that agents should be appointed in accordance with the King's wishes, provided their instructions bound them to do nothing which should endanger the liberties of the country, the General Court selected a committee to draw up an address to the King, as well as a statement of the colony's claims to the disputed territory, and decided to appoint some one in England to represent them.<sup>131</sup> Instead, however, of selecting some one in

England,

In his mat<sup>ies</sup> name you are required to give notice to ye freemen of yo<sup>r</sup> towne to meet & signifie to them that the Gov<sup>r</sup> & Councill have received a tre from his Mat<sup>ie</sup> relateing to ye Claymes of M<sup>r</sup> Gorges & M<sup>r</sup> Mason to Hampshire & ye Province of Mayne & other things therein mentioned requireing a Anfw<sup>r</sup> therunto. In obseruance whereof the Councill have ordered the convening of the Gen<sup>#</sup> Court at Boston the 9<sup>th</sup> day of Auguft next at nine of ye Clock in the morning to consider & consult thereof. In puruance whereof they are to fend ye<sup>r</sup> deputyes as ye Law direct<sup>s</sup>; making yo<sup>r</sup> returne to ye<sup>r</sup> Court & not faile. dated in Boston 10<sup>th</sup> July 1676.

E. R. S.

[EDWARD RAWSON, Secretary.]

ys was read & approved in Councill at yt<sup>e</sup> time.

[endorsed] origl<sup>i</sup> warrant to call ye Gen<sup>#</sup> Court 9. August 1676.

<sup>130</sup> *Massachusetts Records*, Vol. V. p. 98; also *Massachusetts Archives*, Vol. III. p. 318. The question submitted to the twenty-four "reverend elders" then in Boston was "whither the most

expedient manner of makeing anfwer to the complaints of M<sup>r</sup> Gorges & M<sup>r</sup> Mason about the extent of ou<sup>r</sup> patent line be by fending Agents or Aiturneys to mannage the same or to anfwer by writing onely. Anft It seems unto us ye<sup>e</sup> most expedient way of making anfwer unto ye<sup>r</sup> complaints of M<sup>r</sup> Gorges & M<sup>r</sup> Mason about ye extent of or patent line, to do it by appointing Agents, to appeare & make Anfwer for us by way of information at this time & in this case; Provided they be with utmost care & caution qualified as to their instructions by and according unto which they may negotiate that affayre with safety unto ye<sup>e</sup> country & with all duty & loyalty unto his Majest<sup>y</sup> in ye p<sup>r</sup>ervation of or patent liberties." Among the seven reafons assigned for the answer are that non-appearance "might give advantage unto our adversaries to proceed unto ye obtaining of a determination against us," the succeſs obtained by former agents, the advice of friends in England, and that agents can anfwer all objections more easily and more fully.

<sup>131</sup> *Massachusetts Records*, Vol. V. p.

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England, Mr. Peter Bulkley<sup>132</sup> and Mr. William Stoughton,<sup>133</sup> both prominent members of the General Court, were appointed on September 16th, with restricted powers. By their instructions they were limited to making answer to the claims of Mr. Mason and Mr. Gorges, and if other complaints should be urged against the colony, they were to say they were not empowered to discuss them. In case there should be a probability of a decision being made against the colony in favor of Mason and Gorges they were to ask for a delay. They were also to seek the advice of the Earl of Anglesea and other members of the Privy Council, who were friendly to Massachusetts, and in order to end the controversy they were to offer, according to their discretion, to purchase the claims in dispute from both Mason and Gorges.<sup>134</sup>

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100: "to draw up an addres to his majestie, as also a full & large relation & declaration of our case . . . to draw up a letter & instructions to some meet person in England."

<sup>132</sup> Peter Bulkley, the son of the Rev. Peter Bulkley of Concord, who was driven from his church living in England for nonconformity, by Archbishop Laud, graduated at Harvard College in 1660, and became Speaker of the House of Deputies; died 1688.

<sup>133</sup> William Stoughton, born in 1632; graduated at Harvard 1650; became fellow of New College, Oxford, but driven from his fellowship upon the Restoration; assistant for many years of the colony; upon death of Gov. Sir William Phips he became acting-governor; chief justice in 1692; holding office during the witchcraft trials; died in 1701.

<sup>134</sup> *Massachusetts Records*, Vol. V.

p. 115. September 16, 1676. "Instructions for William Stoughton, Esq: & M: Peter Bulkley, our messengers, now chosen for to goe to England to present our defence, in refference to the clai mes of M: Gorges & M: Mason . . . you are to make your application to the Earle of Anglesey & fuch other lords of the Council as you shall understand may have any kindnes for us . . . to give his majestie fatisfaction touching the rights & extent of our patent, and our actions in the prosecution of that our right, in answere to the pretensions & accusations of M: Gorges & M: Mason . . . if yow finde a fume of mony will take them off from further prosecut ion of their pretensions . . . yow shall engage in that way as yo: discretion shall direct . . . To all other clamours & accusations yow shall answere, you have no order or instruction . . . if yow

In addition to their written instructions the messengers received a "declaration of the right and claim of the Governor and Company of the Massachusets Bay to the lands now in their possession," and a petition to the King. The declaration, consisting of several pages, gave a detailed account of the first charter and its confirmation by the King made publicly, and not obtained fraudulently, as represented by some of their opponents. It stated that the early grants to Captain Mason were illegal, not having been subscribed by a sufficient number of grantors, and that his later grants were in point of time subsequent to that of Massachusets; that their northerly line was by the express terms of the charter three miles north of the most northerly part of the river Merrimac, that upon surveying the course of the river, which had been necessarily deferred in the infancy of the settlement, it had been found that Lake "Winiposikek" contained the head waters of the river, consequently a line drawn directly east from the lake included a portion of New Hampshire and a portion of Maine. Besides "their indubitable right by patent," the inhabitants of New Hampshire and Maine had earnestly begged the Massachusets authorities to take them under their protection and authority, which they had done, in a quiet and orderly way, "and wee challenge M<sup>r</sup> Gorges and M<sup>r</sup> Mason by any living evidence or record to shew any signe of a forcible entrance. That the exercize of jurisdiction in those easterne parts hath binn and is in his Maj<sup>ties</sup> honor, the peoples great bennefit, and

yow shall perceive judgment like to proceed against us, yow may then crave his maj<sup>ys</sup> favour for time for a further answer from hence."

and our charge w<sup>th</sup>out proffit, which had it not binn, the ruine of thofe parts would have unavoydeably enfued in the want of all government, and their feazure by the French, who ever wayted a fit opportunity for the fame.”<sup>135</sup>

A short time before the messengers sailed for England<sup>136</sup> Randolph submitted a full report, dated 12 October, 1676, to the Committee for Trade and Plantations,<sup>137</sup> anfwering the feveral heads of inquiry, given in his instructions, concerning the condition of New England. In this report, which he describes as imperfect, being based upon his obfervations during a visit of only a month, and upon hearsay, he speaks first of Massachusetts, “the moft flouriſhing and powerful of all the colonies, giving lawes to a great part of the country by a pretended charter,” its form of government, its law conferring the right of suffrage only on church members, its law inflicting the penalty of death on any one attempting to subvert the Commonwealth, the coining of money, as a mark of sovereignty, the pieces being stamped with the date 1652, “that year being the era of the commonwealth, wherein they erected themſelves into a free state, enlarged their dominions, and ſubjected the adjacent colonies under their obedience.” As for their laws, thofe only  
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<sup>135</sup> *Massachusetts Records*, Vol. V. p. 108, 6 September, 1676, for the declaration; and *ibid.*, p. 106, for the petition, which was read before the Privy Council on 13 December, 1676; see also *S. P.*, *Colonial*, *Bundle 52*. The original draft of the Petition is found in *Massachusetts Archives*, Vol. III. p. 320, under date of September 11.

<sup>136</sup> They failed from Boston on Octo-

ber 30th, see *Memorial History of Boston*, Vol. I. p. 365, and arrived in England 20 December, see *Massachusetts Archives*, Vol. CXXVII. pp. 218-220, Randolph’s narrative.

<sup>137</sup> *Hutchinson’s Collection of Papers*, Prince Society, Vol. II. p. 210. Randolph’s Report to the Committee for Trade and Plantations, 12 October, 1676, *post*.

are observed which "stand with their convenience," and are made by themselves; those most derogatory to the statutes of England are the laws allowing "all persons of twenty-one years of age, being excommunicated or condemned, to make wills and dispose of lands and estates"; the trial by the word of God in capital cases where there is no colonial law; the ordaining of ministers by the people, and no injunction being put "upon any church officer or member in point of doctrine, worship or discipline besides the institution of the Lord"; the infliction of the penalty of five shillings upon those celebrating Christmas, and the same penalty for non-attendance at their meeting houses on the appointed days, and that "no days commanded by the lawes of England to be observed or regarded"; no one to be compelled to serve in any wars except those undertaken by the Commonwealth; none but magistrates to perform the marriage ceremony; all fleeing from tyranny to be protected, "by which law Whalley and Goffe and other traytors were kindly receaved and entertained"; the possession of land for five years giving an absolute title; the oaths of allegiance and supremacy are not taken, but only an oath of fidelity to the government of the colony, by strangers as well as inhabitants, under the penalty of five pounds for every week's delay; the manner of taking the oath not being according to the English custom, but "by holding up the hand and by laying the hand upon the booke." He estimates the number of inhabitants in Massachussets, New Hampshire and Maine, including two hundred slaves, as one hundred and fifty thousand, of which only one-sixth are church members and freemen, the remaining five-sixths belonging to "what is called the dissenting

dissenting party. The most wealthy persons of all professions are men of good principles and well affected to his Majestic"; the merchants, farmers, and mechanics very prosperous and living in comfort; although there is no standing army, the trained bands number about six thousand foot soldiers and twelve hundred horsemen, the infantry "having been hardened by the late warrs"; the number of men capable of bearing arms is between thirty and forty thousand; the only old soldier is Governor Leverett, who was a captain of horse "in the late rebellion under the usurper Oliver Cromwell." Boston is described as a town containing about two thousand houses, "most built with tymber and covered with shingles of cedar, some few brick buildings covered with tyles," being seated on a peninsula, "might with a small charge be made very strong." As for the boundaries, they are just what the authorities choose to make them, "never wanting a pretext of right to any place that is commodious for them," as was done in the case of New Hampshire and Maine, when "Mr. Leverett, the present governor, Mr. Ting and Captain Pike, and some others, entred these provinces in a hostile manner, with horse and foot, and subverted the government there settled by the commissioners, imprisoned severall persons, and compelled the inhabitants to submit to their usurpations. And thus taking all opportunities and advantages to improve their dominions and authority, the jurisdiction of the Massachusetts is swelled into a very large territory." They were much discontented that Acadia, after its conquest, was given back to France, and although they have "a perfect hatred of the French, because of their too neer neighborhood," they still maintain a private trade with them,

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in spite of the prohibition of the French governor. To their neighbors the Dutch they "were more kind and friendly (even in tyme of warre) when they were posseſſed of New York, than they are to their countrymen the English," because "they love no government that is not like their own." In the present war against King Philip, for which various cauſes have been given, but which the Maffachusetts people affign to their having provoked the Lord by wearing long hair, by their profanity, and by ſuffering the Quakers to live amongſt them, about ſix hundred men and twelve captains have fallen, "moſt of them brave and stout perſons, and of loyal principles, whileſt the church members had liberty to ſtay at home, and not hazard their perſons in the wilderneſſe." Besides the great loſs of life, the damage inſličted on the three colonies is estimated at £150,000, 1200 houſes having been burned, 8,000 cattle deſtroyed, and large quantities of grain, but "the Maffachusetts colony hath not been damnified one third part, the great loſſe falling upon New Plymouth and Connečicut."

He then speaks of the producions of the country, eſpecially of "all things neceſſary for ſhipping and naval furniture being in great abundance"; their ſhipbuilting, good ſhips being builte for four pounds the ton; their trading directly with foreign countries, even to the Hanſe towns, Guineá, and Madagafcar, in direcť violation of the act of navigation, "ſo that there is little left for the merchants reſiding in England to import into any of the plantations, thoſe of New England being able to afford their goods much cheaper then ſuch who pay cuſtomes and are laden in England. By which meaneſ this kingdome hath loſt the beſt part of the weſtern trade.

Besides

Besides it is the great care of the merchants to keep their ships in constant employ, which makes them trye all ports to force a trade, whereby they abound with all sorts of commodities, and Boston may be esteemed the mart town of the West-Indies." Their transgression of the laws of trade is so open that "all nations have free liberty to come into their ports and vend their commodities, without any restraint, and in this as well as in other things, that government would make the world believe they are a free state." After describing the sources of income, he says "the publick revenue of the colony is computed to be upwards of 20000*l.*,<sup>138</sup> and is disposed of as the governor and magistrates think fit, without giving any account to the country, by which meanes whosoever comes into the magistracy hath an opportunity of growing rich and advancing his relations." He then repeats what he had already said in his Narrative that "the inhabitants are generally well affected to his Majestie and his government, as well the merchants and farmers as the meaner traders and artificers, who groan under the yoake of the present government, and are in dayle hopes and expectations of a change by his Majesties reassuming the authority and settling a general government over the whole country, without which it is feared civill warrs will in a short time breake out between the colonies, the government of the Massachusets dayly imposing and incroaching

<sup>138</sup> Hutchinson, in a note in his *Collection of Papers*, Prince Society, Vol. II. p. 234, says that the statement in regard to the annual income is incorrect, "Randolph having put one cypher more than he should have done," the revenue being generally £2,000 a year until

the Indian war, when it was somewhat increased, and a debt accumulated, as also his assertion that the magistrates had stolen from the treasury, which Hutchinson calls "an injurious insinuation."

incroaching upon their neighbours, and therefore the loyal colonies of New Plymouth, Connecticut, New Hampshire and Main, seeing these inconveniences dayly increasing by a divided government, are very desirous of submitting to a general government to be established by his Majestie,<sup>139</sup> but the major part of the magistrates are of different principles, having been in the government from the time they formed themselves into a commonwealth. These direct and manage all affaires as they please, of which number are Mr. Leverett, governor, Mr. Symons, deputy governor, Mr. Danforth, Mr. Ting, Major Clarke and Major Hathorn, still continued a magistrate, tho' commanded by his Majestie upon his allegiance to come into England, yet refused, being encouraged in his disobedience by a vote of the court, not to appear upon some reasons best known to themselves. These, with some few others of the same faction, keep the country in subjection and slavery, backed with the authority of a pretended charter. These magistrates have continually disobeyed his majesties command, reserving to themselves a power to alter, evade, and disannull any law or command not agreeing with their humour, or the absolute authority of their government, acknowledging no superiour or admitting any appeal to his Majestie, whose armes are not set up in any of their courts, meetings or publick assemblies. The clergy are for the most part very civill and inclining to his Majesties government, being held in subjection by the ruling elders, who govern all affairs of the church.<sup>140</sup> The ecclesiastical government is in  
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<sup>139</sup> Hutchinson says that "not one in a hundred" defird the change. See his *Collection of Papers*, Prince Society, Vol. II. p. 236.

<sup>140</sup> In his *Narrative*, Randolph speaks of the clergy as opposed to the royal government, as he does also in subsequent letters.

the hands of lay members and every church hath liberty of admission, recommendation, dismission and expulsion of their officers and members, with power to censure, but no church censure shall degrade or depose any man from any civil dignity, office, or authority he shall have in the commonwealth."<sup>141</sup> In connection with the ministry he describes Harvard College, saying, "there are three colleges built in Cambridge, one with timber at the charge of Mr. Harvard, and bears his name; a small brick building called the Indian Colledge, where some few Indians did study, but now it is a printing house; new colledge, built at the publick charge, is a fair pile of brick building covered with tiles, by reason of the late Indian warre not yet finished. It contains 20 chambers for students, two in a chamber; a large hall which serves for a chappel; over that a convenient library, with some few bookees of the ancient fathers and school divines, but in regard divinity is the generall study, there are many English bookees of the late non-conformists writers, especially Mr. Baxter and Dr. Owen. Here they teach Hebrew before  
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<sup>141</sup> The power of the clergy was limited and made subordinate to the civil authority, although their influence was great and their advice often sought. They had no political or judicial privileges as had the higher dignitaries of the Anglican church. The attempt made by the Massachusetts clergy in 1640 to increase their power was not successful. *History of New England*, by J. Winthrop (Savage), 1853, Vol. II. p. 19. "Mo. 8. The elders had moved at a general court before that the distinction between the two jurisdictions might be set down, that the churches might know their power, and the civil magistrate his. The same had been moved by the magistrates formerly, and now at this court they presented a writing to that effect, to be considered by the court, wherein they declared that the civil magistrate should not proceed against a church member before the church had dealt with him, and some other restraints, which the court did not allow of." Savage, in a note, says "nothing could have been proposed more effectual than the measure advised by some of the elders, to enlarge the clerical power, which was already too great."

they well understand Latin. No formalities or distinctions of habits or other decencies as in England. They take no degrees above master of arts. Their commencement, kept yearly the 2d of August, in the meeting house, where the governor and magistrates are present, attended with throngs of illiterate elders and church members, who are entertained with English speeches and verses. At present no settled president, but one Mr. Oakes, a rigid independent supplies the place. The allowance of the president is 100*l.* per ann. and a good house. There are but 4 fellowships, the two seniors have each 30*l.* per ann. and the two juniors 15*l.*, but no diet is allowed. There are tutors to all such as are admitted students. Mr. Thomas Graves, an ingenious and worthy person, was put by his fellowship, by the late Dr. Hoar, because he would not renounce the church of England. The government of these colledges is in the governor and magistrates of the Massachusets and the president of the colledge, together with the teaching elders of the six adjacent towns." Of the colonies of New Plymouth and Connecticut he speaks very briefly and very favorably, saying, "that the lawes of England are there observed with such of their own as are not contradictory thereunto. The oath of allegiance is taken by every magistrate and officer, whether civil or military, and by all freemen. All commissions, proclamations, writs and summons are in his Majesties name"; he estimates the number of inhabitants as 80,000 with no slaves, the militia consisting of "4 troops of horse and 5 regiments of foot, well armed and disciplined"; the country fertile and producing the best horses in New England; the act of navigation strictly observed, no strangers being admitted to their ports.

ports. The inhabitants "are generally very loyall and good people, and doe upon all occasions exprefse great love to the person and government of his Majestie, and doe heartily wish that his Majesties authority were established over the whole country. The present governor of New Plymouth is Josiah Winslow, Esq: a person eminently popular and beloved in all the colonies of N. E. The governor of Conecticot is W<sup>m</sup> Leet, Esq: a very worthy person, as are most of the magistrates of that colony."

The very favorable disposition towards the Crown, Randolph reports of the colonies of Plymouth, Connecticut, New Hampshire, and Maine seems to have been intended to make stronger the contrast with that of Massachusets. This had already been done in the report of the royal commissioners ten years before. From reading these reports, the conclusion would naturally be drawn that the magistrates of Massachusets alone, backed by a small faction, were hostile to the King and opposed to the establishment of a general government dependent upon royal authority, which was demanded by the other colonies, and that colony being the only part of the British dominions where the Puritan element was still dominant, its feeling of independence ought to be suppressed.

The mission of Randolph had revived the fear that a Governor General would be sent from England, although it was hoped that the design might be prevented by the strong opposition it would encounter in the colony,<sup>142</sup> and especially by the determined attitude of Governor Leverett.

Before

<sup>142</sup> *Massachusetts Historical Society Collections, Fourth Series*, Vol. VIII. p. 573. Letter of Samuel Nowell to Jonathan Bull at Hartford, 25 Sept., '76.  
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Before Mr. Stoughton and Mr. Bulkley sailed from Boston, two letters were prepared by the General Court, dated 12th of October,—one for Sir Joseph Williamson, the other for Mr. Henry Coventry, to be carried by the messengers, in which, after repeating much that had already been written in regard to the claims of Gorges and Mason, the bearers were recommended to the favor of the Secretaries of State.<sup>143</sup> Upon reaching London they found the current of feeling running very strongly against them. Randolph having seen the reply of the colony to the King's letter, in which the magistrates excuse themselves for not convening the General Court on account of the Indian war and an epidemic then prevailing, and stating that a General Court could alone, according to their patent, give an answer on so important a subject, denied the statements, calling them in his communication to the King, dated November 17th, "shamefull pretences and notorious falsehoods. As for the Indian warr, it was ended and a peace concluded, and the Articles published,

'76. "As for ourselvēs in New Engld, we are fearing a Generall Governoūr. How God will deale with us in our p'resent businesse is uncertaine. I suppose you will judge it convenient to remove, if any such thing shoud happen, as that a Governoūr shoud be sent; although if this man live who is Governoūr at Boston [John Leverett] I believe the country will oppose, but if his head be once laid I do question, whether he that shall come next will have spirit enough, or interest enough, to withstand the Authority of Old Engld."

<sup>143</sup> *Massachusetts Records*, Vol. V. pp. 118, 119. The draft of the letter to Sir Joseph Williamson is in *Massachu-*

*setts Archives*, Vol. CVI. p. 215. Mr. Coventry became Secretary of State, 18 July, 1672; Sir Jofeph Williamson, 27 June, 1674; Earl of Sunderland succeeded Williamson, 9 February, 1678; Sir Lionel Jenkins succeeded Coventry, 14 April, 1680. Sir Joseph Williamson became Presidēt of the Royal Society in 1678.

Council for Foreign Plantations established 1 December, 1660; first meeting, 7 January, 1661. Council of Trade and Plantations, 1671. Council of Trade united to that of Foreign Plantations, 13 October, 1672. See *Diary of John Evelyn*.

published, before I came from New England, moreover that Government of Maffachusets hath not suffered soe much by the Indians as the other colonies of New Plymouth and Connecticut. Neither was there any sicknes or distemper extraordinary among them, But the Country was generally as healthy as it had been known for any time before. As to their constitution by their pretended pattent, the express words are these, That the Governor or Deputy Governor with any six of the Affistants shalbe a full and General Court, for the ordering and dispatching all busines. And when yo<sup>r</sup> Ma<sup>ts</sup> Letters were read there were seaven of the Magistrates then present in Council. It was the opinion of several of the most eminent Inhabitants that the Government of Boston would not send over Agents to appear before yo<sup>r</sup> Maj<sup>tie</sup> for that they had often disobeyed yo<sup>r</sup> Royall Commands, especially of the 10<sup>th</sup> of April 1666 and having hitherto escaped unpunished, they would still persist in their disobedience, in hopes that something might intervene to hinder yo<sup>r</sup> Ma<sup>tie</sup> from looking towards them, and soe would hold the Government as long as they could." These facts, he said, "I will justifie upon oath when thereto required."<sup>144</sup>

The petition to the King from Maffachusets having been read in Council on December 13<sup>th</sup>, shortly after the arrival of the agents, they were summoned, by an order of Council of the 22d, to appear before the King on the 12th of January, 1676-7. On the 9th, the day they received the summons, they petitioned the King, praying that they might be furnished

<sup>144</sup> *State Papers, Colonial, Bundle 52 (104), 17 Nov., 1676.* Randolph to the King; report of Embassy, *post.*

nished with copies of Mr. Mason's and Mr. Gorges' grants, as they had been unable to find them in any of the offices where they should have been enrolled. This request was granted.<sup>145</sup>

While

<sup>145</sup> *State Papers, Colonial, Bundle 52 (106), 9 Jan. 1674.*

[*Petition of Staughton & Bulkeley.*]

"Praying that they may have copies of M<sup>r</sup> Mason & M<sup>r</sup> Gorges grants.

" read 10 Jan<sup>y</sup> 1676 & granted.

" Ent<sup>r</sup> N : E : p : 191

" To the Kings most Excell<sup>r</sup> Maj<sup>y</sup>  
" And the Lords of his most Hon<sup>ble</sup> Privy

Councell.

"The Humble Pet<sup>cōn</sup> of William  
Staughton and Peter Bulkeley ag<sup>ts</sup>  
for Massachusets collony

"Sheweth

" That your Pet<sup>r</sup>s are entrusted by the  
Governor and Company of the Massa-  
chusets Bay in your Maj<sup>ts</sup> Colony of  
New England to make theirie iust de-  
fence to the Complaints of John Mason  
and ffardinando Gorges Esq<sup>s</sup> exhibited  
to your Maj<sup>y</sup> in Councell.

" That the said Mason and Gorges doe  
by theirie Pet<sup>cōns</sup> lay claime to severall  
Tracts of Land within the said Colony  
by severall Grants from the Councell of  
New England established by Letters  
Pattents vnder the Greate Seale of  
England by your Royall Grandfather  
King James beareing date the Third day  
of November in the Eighteenth yeare  
of his Reigne and particularly the said  
Mason by one Indenture from the said  
Councell of New England dated the  
9<sup>th</sup> day of March 1621 Another of the  
10<sup>th</sup> of Auguft 1622 And another of  
the 7<sup>th</sup> of November 1629 And A fourth  
of the 22<sup>th</sup> of Aprill 1635 And the said  
Gorges by like Indentures of the 10<sup>th</sup> of  
August 1622 the 7<sup>th</sup> of November 1629  
the 22<sup>th</sup> of Aprill 1635 and the 11<sup>th</sup> of  
November 1629.

" That your Pet<sup>r</sup>s have made diligent  
search for the said Indentures as well in  
the Chappell of your Maj<sup>e</sup> Rolls in  
Chancery as in all other Offices where  
your Pet<sup>r</sup>s Councell could imagine the  
same might be Enrolled but cannot find  
the same.

" Now for as much as your Pet<sup>r</sup>s  
being this day fumon'd by Order  
of Councell of the 22<sup>th</sup> of December last past to A Heare-  
ing before yo<sup>r</sup> Maj<sup>y</sup> the Twelveth  
of this Monthe cannot fully in-  
struc<sup>t</sup> theirie Councell for A  
Heareing before your Mat<sup>y</sup> without  
Copies of the said Grants And for that they conceive it all-  
together vnbecomeing the Rever-  
erance is due vnto your May  
from them to putt your Mat<sup>y</sup> to  
the trouble of A double Heareing  
which they shall be necessitated  
vnto in case they cannot obteine  
Copies of the said Grants prece-  
dent to the said Heareing

" Yo<sup>r</sup> Pet<sup>r</sup>s therefore hum-  
bly pray the said M<sup>r</sup>  
Mason and Gorges may  
be ordered (at your Pet<sup>r</sup>s  
Charge) to give your  
Pet<sup>r</sup>s true Copies of the  
said Grants your Pet<sup>r</sup>s  
Jany 9<sup>th</sup> 1674. being willing to doe the  
same to them And that  
your Pet<sup>r</sup>s may have such  
convenient time to confid-  
er the same And such fur-  
ther day for the Heareing  
thereof as to your Mat<sup>y</sup>  
shall feeme mee.

" And your Pet<sup>r</sup>s shall ever Pray. &c."

While the claims to the disputed territory were being discussed, the Committee for Trade and Plantations, being influenced evidently by the statements made by Mr. Randolph regarding the non-observance of the Act of Navigation, determined, on February 6th, that no passes should be given to vessels for New England, until matters were settled more definitely. This was the first step towards compelling obedience from the refractory colony.<sup>146</sup>

The next step of evil augury for the colony, as it was a prelude to an attack upon the charter, was made by Randolph. In a paper which he called "Representation of ye affaires of N. England,"<sup>147</sup> dated 6 May, 1677, he asserted that the Massachusetts colonists "have noe right either to Land or Government in any part of New England and have alwayes

<sup>146</sup> *State Papers, Colonial, Entry Book* 104, p. 291, 6 Feb. 1676.

[No Passes for New England.]  
"At the Committee for Trade and Plantations In the Council Chamber at Whitehall Tuesday the 6<sup>th</sup> of Feby 1676[7]

"Present  
Earl of Carbery  
Visco<sup>t</sup> Fauconberg  
Lord Bishop of London  
M<sup>r</sup> Vice Chamberlane  
M<sup>r</sup> Secy Coventry  
M<sup>r</sup> Sec<sup>r</sup>e Williamson  
M<sup>r</sup> Chanc<sup>r</sup> of the Dutchy.

"New England . . . Their Lo<sup>ps</sup> will farther Report vnto His Mat<sup>y</sup> that although New England bee in ye number of ye Forreigne Plantations, yet they have forbore to frame any Rules for Passes to bee granted there, in as much as they doe not yet conform themselves

to the Laws, by which other ye Plantations doe trade, but take a liberty of trading to all manner of places where they think fit; Soe that vntil his Mat<sup>e</sup> come to a better Vnderstanding touching what degrees of dependence that Goverment will acknowledge to His Mat<sup>e</sup> or that His Mat<sup>e</sup>s Officers may bee there received and fetled to administer what ye Laws require in respect of Trade, futable to ye practice in other Plantations, their Lo<sup>ps</sup> have not [thought] fit to offer any Rules for Passes in that place, but conceive it fit for His Mat<sup>e</sup>s service that some Speedy care be taken to come to a settlement and resolution in this matter, which is of soe great importance vnto Trade."

<sup>147</sup> *Ibid., Bundle* 52 (112), 6 May, 1677, Representation of ye affaires of N. England by M<sup>r</sup> Randolph, *post.*

alwayes been Usurpers. They have formed themselves into a Commonwealth, deneying any appeals to England and do not take the oath of allegiance." The term commonwealth was most distasteful to the Court circle, and was used constantly by Randolph. "They have protected the Late King's murtherers directly contrary to his Maj<sup>ties</sup> Royall Proclamation. They coine money with their owne Impress. They haue put his Maj<sup>ties</sup> Subjects to death for opinions in matters of Religion. In the yeare 1665 they did violently oppose his Maj<sup>ties</sup> Commission<sup>rs</sup> in the Settlement of New Hampshire and in 1668 by Armed fforces turned out his Maj<sup>ties</sup> Justices of the Peace in the Province of Main. They violate all the A<sup>c</sup>ts of Trade and Navigation, by which they have ingrossed the greatest part of the West India Trade, whereby his Maj<sup>tie</sup> is damaged in his Customs above 100.000*l* yearly and this Kingdome much more." He then goes on to say that the country could easily be placed under the royal authority by using the forces under command of Sir John Berry, then in Virginia, especially as it is "the Earnest desire of most and best of the Inhabitants (wearied out with the Arbitrary proceedings of those in the present Government) to be under his Maj<sup>ties</sup> Government and Laws." The King could at the same time offer a general pardon to those convicted of having "acted without and in contempt of his Maj<sup>ties</sup> Authority, which will make the most refractory to comply to save their Estates." The King could also issue a "declaration of confirming unto the Inhabitants the Lands and houses they now possess upon payment of an Easie Quit rent and granting Libertie of Conscience in matter of Religion." The threat of confiscating

ing estates that had been acquired by hard toil, and exposure of life and health, and which had been maintained without the slightest military or pecuniary aid from the Crown, was to be made less objectionable by offering freedom of conscience, which could, however, be rendered nugatory at any time by an Act of Parliament, and by appointing as royal commissioners the inhabitants most eminent for their loyalty and wealth, during the King's pleasure. To induce a compliance to the royal commands from the magistrates, who were considered to be hostile to the King, they were to be offered seats in the Council and a pension from the public revenue of the colony, "with Some Title of Honour to be conferred upon the most deserving of them." This, Randolph thinks, "will cause a generall Submission." The paper was referred by the King to the Lords of the Committee for Trade and Plantations by the hands of Secretary Williamson. On the 7th of June, the Representation was read before the Committee, Mr. Randolph being present and explaining its contents. At the same time were read two petitions complaining of the violation of the acts of trade by the Massachusets colony,—one from several merchants, the other from mercers and silk weavers, which had been presented the previous year. Their statements were confirmed by Sir Thomas Lynch, who was present at the meeting, and said that when he was Governor of Jamaica, a New England vessel attempted to land on the island a cargo of brandy brought directly from France, which he prohibited. The vessel thereupon sailed for New England, upon which he notified Captain Wyborne, then off the coast of Massachusets, who tried to seize her, but was prevented

prevented by the magistrates. The Committee "finding this Representacion to bee of soe great concerne to his Ma<sup>tie</sup> that before any farther progres bee made it will bee requisite the opinion of the Judges, touching the matter of Law contained therein bee had, And that it bee then referred to their [Privy Council] consideration, with the evidences Mr Randolph shall bee able to produce."<sup>148</sup> The next day, the Representation having been read before the Privy Council, the King being present, an order was passed referring the matter to the Committee for Trade and Plantations with power "to take the Opinion of such of his Ma<sup>ts</sup> Judges as they shall thinke fit concerning such Heads of the said Representation as relate to Matter of Law, And it was further Ordered, that his Ma<sup>ts</sup> Learned Councell in the Law doe attend their Lordships about this Affayre."<sup>149</sup>

In accordance with this order, the Committee, four days after, referred to the Judges all matters of law, such as coining of money, putting people to death for religious opinions, passing laws contrary to the charter, and reserving to themselves matters of state, such as the violation of the acts of trade and navigation, the protection of the King's murderers, and the oath of fidelity to the colonial authorities imposed upon the inhabitants. The Judges, being then busy with the claims to the disputed territory of New Hampshire and Maine, it was resolved that those claims should be first settled before the other matters should be taken up. The Committee

<sup>148</sup> *State Papers, Colonial, Entry 1677.* Order upon Mr Randolph's representation to his Ma<sup>ty</sup>, post; also *Massachusetts Historical Society Collections, Fourth Series*, Vol. II. p. 287.  
Book 105, p. 52. Papers read before the Committee, 7 June, 1677, post.

<sup>149</sup> *Ibid.*, Bundle 52 (114), 8 June,

Committee also voted that notice should be sent to the colonists that they must, for the future, conform to the acts of navigation, and that the "Lord Treasurer be directed to appoint such Officers of the Customs at Boston, and other parts of New England, as the said Acts doe prescribe," and further, that notice should be sent to the agents, Stoughton and Bulkley, that "besides the Complaint of M<sup>r</sup> Mason, there are matters depending which will require their longer stay."<sup>150</sup> The Committee made its report to the King on the same day.<sup>151</sup>

About a month later, on 17 July, the Lords Chief Justices of the King's Bench and Common Pleas made their report to the Committee, "touching the pretensions of M<sup>r</sup> Mason and M<sup>r</sup> Gorges against the Government of Boston," and the Committee ordered that "Copies bee given to y<sup>e</sup> respective parties."<sup>152</sup>

This

<sup>150</sup> *State Papers, Colonial, Entry Book* 105, p. 60. Concerning misdemeanours of the Bostoners, &c. 12 June, 1677, *post*.

<sup>151</sup> *Ibid.*, *Bundle* 52 (110). Report of y<sup>e</sup> Com<sup>tee</sup> concerning M<sup>r</sup> Randolph's representation of y<sup>e</sup> governm<sup>t</sup> of y<sup>e</sup> Massachusets, 12 June, 1677, *post*.

<sup>152</sup> *Ibid.*, *Entry Book* 105, p. 81, 17 July, 1677.

[Report concerning *Mason & Gorges.*] "At the Committee for Trade and Plantations In the Council-Chamber at Whitehall Tuesday the 17<sup>th</sup> of July 1677.

"Present  
Lord Privy Seale  
Duke of Ormond  
Earle of Craven  
Earle of Bath

L<sup>d</sup> B<sup>p</sup> of London  
M<sup>r</sup> Vice Chamberlane  
M<sup>r</sup> Sec<sup>r</sup> Coventry  
M<sup>r</sup> Sec<sup>r</sup> Williamfon  
M<sup>r</sup> Chanc<sup>r</sup> of y<sup>e</sup> Excheqr.  
M<sup>r</sup> Speaker

The Lords Cheife Justices attending.  
"New England. Report of the Lords  
Cheife Jüstices.

"The Report of the Lords Chief Justices of the Kings Bench, and Common Pleas, touching the pretensions of M<sup>r</sup> Mason and M<sup>r</sup> Gorges against the Goverment of Boston, purfuant to a Reference of the Committee of y<sup>e</sup> 8<sup>th</sup> of June last is read, and Copies Ordered to bee given to y<sup>e</sup> respective parties, to the end they may bee acquainted with the contents thereof; and prepare their objections for his Mat<sup>e</sup> in Council."

This was followed by an order of the Privy Council, July 20th, an unusually large number of members being present, in which the opinions of the Lords Chief Justices of the King's Bench and of the Common Pleas, Rainsford and North, were given in full, declaring that the Company of Massachusetts Bay was by its royal charter a "Corporation upon y<sup>e</sup> place," possessing the right of government, but its northern boundary following the course of the Merrimack and three miles beyond did not include New Hampshire or Maine, that the government over Maine by the King's grant belonged to Mr. Gorges, as heir of Sir Ferdinando, that Mr. Mason had no right of jurisdiction over New Hampshire, his grandfather having had only a grant from the Council for New England, which could not convey powers of government, and that all titles to land must be tried by the local courts. The King approving of the decision, it was further ordered "that all partyes doe acquiesce therein & Contribute what lyes in them to y<sup>e</sup> punctual & due performance of y<sup>e</sup> sd Report as ther shalbe occasion."<sup>153</sup>

While

<sup>153</sup> The full text of the *Order in Council* is to be found in the Boston Athenaeum in manuscript prefixed to a copy of the General Laws of Massachusetts, 1672, which belonged to Elisha Hutchinson, the grandfather of Governor Hutchinson, since printed in *Massachusetts Historical Society Collections, Third Series*, Vol. VIII, p. 238. There were present "att the Court at White-hall y<sup>e</sup> 20<sup>th</sup> July 1677, Lord Chancellor, Lord Treasurer, Lord Privy Seale, Duke of Ormond, Marq<sup>s</sup> of Worcester, Lord Chamberlyne, Earle of Northampton, Earle of Peterborow, Earle of Sunderland, Earle of Bathe, Earle of Craven,

L<sup>d</sup> Bsp London, L<sup>d</sup> Maynard, L<sup>d</sup> Berkeley, m<sup>r</sup> Vice Chancellor, m<sup>r</sup> Sec<sup>r</sup> Coventry, m<sup>r</sup> Sec<sup>r</sup> Williamson, m<sup>r</sup> Chanc<sup>r</sup>l of Exchq<sup>t</sup>, m<sup>r</sup> of y<sup>e</sup> Ordinance, m<sup>r</sup> Speaker. . . . Wee did on y<sup>e</sup> 5 April last together w<sup>th</sup> y<sup>e</sup> s<sup>f</sup> Lords cheif Justices meet in obedience to y<sup>r</sup> Ma<sup>ts</sup> Co<sup>m</sup>ands and haveing herd boath partys by their Councell lerned in y<sup>e</sup> Lawe. Wee did recom<sup>m</sup>end unto their Lordships to receive a State of y<sup>e</sup> Claims made by boath partys & to returne their opinions upon y<sup>e</sup> whole matter . . . y<sup>e</sup> Respondents [Massachusetts] did disclaime title to y<sup>e</sup> Lands claimed by y<sup>e</sup> petitioners . . . we thought not fit to examine

While Massachusetts was thus losing New Hampshire and Maine, the magistrates, ignorant of their loss, sent a protest dated 22 June, 1677, to Edmund Andros, Governor of New York, against his claims to Pemaquid for the Duke of York, afterwards James the Second, stating that the territory was within their limits.<sup>154</sup> There had already been a correspondence between the colony and Andros. The magistrates had declined the previous year the offer of the Governor to use a sloop sent by him to transport the inhabitants of the threatened eastern provinces to a place of safety, saying that "the tendency thereof being apparently for the damage of his ma<sup>ties</sup> interest in those parts, and quitting the same to be a prey, not only to the Indians, but also to the French, who are said by themselves to be their abettors in the depopulation there made, but doe judge it farr more conducible to his ma<sup>ties</sup> interest that with one Shoul-  
der

amine any claims to ye<sup>e</sup> f<sup>d</sup> Lands it  
being in o<sup>r</sup> opinion improper to Judge  
of any title of Lands w<sup>th</sup>out hearing ye<sup>e</sup>  
tertenents, wee esteme it most proper  
to direct ye<sup>e</sup> partys to have recourse to  
Courts of Justice upon ye<sup>e</sup> place . . . ye<sup>e</sup>  
petin<sup>rs</sup> haveing waived ye<sup>e</sup> prence of a  
grant of governm<sup>t</sup> from ye<sup>e</sup> Councell of  
Plimouth . . . the question was reduced  
to ye<sup>e</sup> Province of Maine . . . which lyes  
more Northerly then three English  
miles from ye<sup>e</sup> River Merrimack ye<sup>e</sup> Pat-  
tent 15 Car. 1<sup>st</sup> to ye<sup>e</sup> peticor Gorges will  
be valid and such Right of government  
as is granted . . . the patent 4 Car.  
1<sup>st</sup> made the adventurers [Massachusetts]  
a Corporation upon ye<sup>e</sup> place . . . ye<sup>e</sup>  
grant of ye<sup>e</sup> governm<sup>t</sup> 4 Car. 1<sup>st</sup> extends  
no further then ye<sup>e</sup> boundaries expressed  
in ye<sup>e</sup> patten<sup>t</sup> & those boundaries cannot  
be construed to extend farther north-

ward along ye<sup>e</sup> River Merrimack then  
three English miles . . . Rich Rainsford,  
ffra. North."

The order in Council was signed by  
John Nicholas.

<sup>154</sup> *Massachusetts Archives*, Vol. III.  
p. 329. Letter to Edmund Andros relative  
to his claim for Pemaquid as the  
Duke of York's. "It pleafeth Almighty  
God to lengthen out our troubles with  
the Barbarous natives, who are daily  
making incursions upon o<sup>r</sup> Eastern  
Places. . . . Wee have been lately in-  
formed of some motions of your owne  
towads those pts . . . wee have confi-  
dence you will not do anything y<sup>t</sup> shall  
in the least infringe his ma<sup>ties</sup> interest  
according to the limitts of his letters  
Patent to this Colony & y<sup>t</sup> there may  
be a right understanding kept & mutuall  
amity maintayned between us."

der all his maj<sup>ties</sup> subjects in these plantations doe joyne in driving the ennemy thence, and for that end that all meete endeavors be used to engage the Mohaukes, or other Indians, freinds to the English, for their help & affistance therein.”<sup>155</sup> Andros was successful in effecting a temporary treaty or truce with the Indians, for which he received the thanks of the General Court.<sup>156</sup>

It being known what the opinion was of the Lords Chief Justices before the Order in Council of July 20th, Randolph was called to the Council Chamber at Whitehall on the 19th, and stated before the Committee that the “Government of New England had setled Custom houses without any authority from his Ma<sup>tie</sup>.” Upon his withdrawal, the Massachusetts agents were called in, and questions put to them in regard to the “Representation” made by Randolph. Stoughton and Bulkley said they were only empowered to reply to the complaints of Mr. Mason and Mr. Gorges, and that any answers they might make to what was charged against the colony by Randolph must be considered simply as the utterances of individuals, and not of authorized agents. They denied that any violence had been used against the royal commissioners in 1665, or that force had been employed in taking possession of Maine. As for Goffe and Whaley, the King’s judges, the authorities had issued warrants for their arrest as soon as the royal proclamation had been received,

<sup>155</sup> *Massachusetts Records*, Vol. V. p. 123. Answer of General Court to the Governor of New York, 12 October 1676.

<sup>156</sup> *Massachusetts Archives*, Vol. LXIX. p. 126. Letter from the General

Court to Governor Andros of New York, thanking him for his kindness in effecting a treaty with the Maquas and the country at the Eastward, 28 May, 1677. Hostilities were soon renewed. See *ibid.*, Vol. III. p. 330, July, 1677.

received, but that they had escaped to other colonies. Being asked if "the People endeavored to forme themselves into a Common-wealth," they answered "they acknowledge His Ma<sup>tie</sup> to bee their soverreigne, they never proclaimed or acknowledged the late Vsurping Powers, but always conformed themselves to the Rules of His Ma<sup>ties</sup> Charter; they are willing to take the Oath of Allegiance and Supremacy, as is prescribed by their Charter." They acknowledged that the colony had begun to coin money in 1652,<sup>157</sup> for the support of trade, and had continued to do so ever since, as no exception had ever been taken to the exercise of the right. They "doe therefore submit this matter to his Ma<sup>tie</sup> and beg pardon if they have offended. As to putting any Persons to Death for matters of Religion only, they deny it, and say indeed, That there being a Law that noe Quakers, being strangers, should come into their Government, some did transgresſ it (notwithstanding banishment) and were therefore executed. And there are many Quakers now living amongst them. As to the violation of the Acts of Trade, there are perhaps some private persons, who trade indirectly, by reason they have not understood those Acts, and that the Governor is obliged to take bonds to hinder and will submit to His Ma<sup>ties</sup> Orders herein. The law against keeping of Christmas was made during the late troubles and is not put in execution."<sup>158</sup> After a delay of a week the Committee,

having

<sup>157</sup> *Publications of the Colonial Society of Massachusetts*, Transactions, 1892-1894, Vol. I. p. 216, "The right to coin under the Colonial Charters," by the editor. The charter of Virginia of 1606, establishing the southern and northern colonies, gave the right to coin.

That power was not formally revoked in the royal charter to Massachusetts.

<sup>158</sup> *State Papers, Colonial, Entry Book* 105, page 89. Randolph states that the Government of N. Eng<sup>d</sup> has settled Custom Hous<sup>e</sup>s without authority, &c., 19 July, 1677, *post*.

having decided upon the "necessity of bringing those People under a more palpable declaration of their obedience to His Maj<sup>tie</sup> and dependence on His Crown," summoned Stoughton and Bulkley before them on July 27th, and told them that they must "confine themselves to such bounds and limits as had been lately reported by the Judges"; they must retract the hasty declaration made by them through their counsel that Massachusets would abandon the defence of Maine if the government of that province was not allowed them; they "must Sollicit His Mat<sup>ies</sup> Pardon" for having presumed to coin money, which is an act of sovereignty, but that His Majesty might "grant them a charter containing such a Power upon due application"; the Act of Navigation must be "religiously observed"; they must amend all laws repugnant to those of England, and that "His Maj<sup>tie</sup> did not think of treating with His own Subjects as with Forreigners." The agents expressed their regret for their hasty expression in regard to Maine, and said that Massachusets would defend the province in case of danger, and also regretted they had not sufficient power to "conclude any thing in points before mentioned." The Committee then told them that "His Ma<sup>tie</sup> will not destroy their charter," but will grant them a supplemental one, setting "all things right that are now amiss"; that their present patent would be "inspected, and according as they had administered the Power therein given, soe should they be measured and considered," rather "than wholy to overthrow it by what M<sup>r</sup> Mason alleges sufficient to that effect; that noe Taxes bee raised to the uses of the Government but in His Ma<sup>ties</sup> name and by His Ma<sup>ties</sup> appointment, and that their method

method of swearing all to bee true to that Government bee abolished.”<sup>159</sup>

A few days after, on August 2, the Committee having met again to discuss the affairs of New England, the Attorney-General read a list of the laws of Massachussetts which he considered repugnant to those of England, the Solicitor General having sent in a somewhat similar list. The Attorney-General then went on to say that “the Agents of New England, with whom he had spoken, were, in a manner, ashamed of them, only, as to that concerning y<sup>e</sup> observation of the Lord’s day, they seemed somewhat tenacious.” The Committee said they found “very much reason to advise His Ma<sup>ty</sup> to write into New England for the abolishing of all these Laws.” In addition to those to which exception had been taken, they noticed “from the complaint of Mr Randolph there was a law in New England forbidding any one to share in the Government who was not a Church member. And that upon His Ma<sup>ties</sup> Letter in 1662, requiring that any who would exercise their Religion, according to the Church of England, might bee free therein, and equally qualified with others for any Office,” the Assembly had abolished the law and yet the practice continued the same as before. The disloyal sentiments expressed by Governor Leverett to Mr. Randolph were dwelt upon, some of the Committee urging that a royal commission ought to be made necessary for a Governor, “but this was thought at present unseasonable.” To Stoughton and Bulkley, who were called in, it was said that

<sup>159</sup> *State Papers, Colonial, Entry Book 105*, page 95. Buiness of New England debated, 27 July, 1677, *post*.

that "His Ma<sup>tie</sup> would expect upon His intimation to have all [the repugnant laws] repealed," that church members must not be preferred for office contrary to their own law; the Act of Navigation must be enforced, according to a law they had made themselves, but which was neglected; that "His Maj<sup>ty</sup> would not suffer such abuse by any means to continue, but that they should receive an Officer of the Customs, to see that Act, in His Ma<sup>ties</sup> behalfe, fully conformed unto." The agents, replying that any freeman could be elected Governor, the office being conferred by a majority of votes, they were further told that the colony had no right to impose taxes upon any who were not "members of their own Corporation," that they must see the Attorney-General concerning the laws to be abolished, the form of pardon to be drawn up for having coined money without authority, and in regard to an additional charter conferring power to coin and make foreign coins current in the country. The Attorney-General was also directed to report to the Committee "how hee finds His Ma<sup>ties</sup> Authority preserved in the present Charter of that Colony." Although New Hampshire and Maine had been withdrawn from the jurisdiction of Massachusetts, still the Committee ordered the agents to give them an account of those provinces "where the Government thereof was reserved still to His Maj<sup>tie</sup> soe they might be the better able to advise His Ma<sup>tie</sup> how y<sup>e</sup> same might bee governed; whether by an Officer from himselfe, or to bee left unto the Bostoners." Mr. Mason, being then called in at his request, prayed that the agents should disclaim title to his possessions, which was done, "the Lords acquainting M<sup>r</sup> Mason that if they doe not agree to give him

him his own, there is a third power to bee erected for the decision of what hee and M<sup>r</sup> Gorges doe claime."<sup>160</sup>

As soon as the news reached Boston that the English authorities intended to enforce the Acts of Navigation, the General Court then in session passed an order on October 10th that the laws of trade must be executed under penalty of forfeiture, and that the Governor and officers appointed for that purpose "be required to see to the strict observation of the said acts."<sup>161</sup>

To show, however, their disregard to the demand for the abolition of the oath of fidelity to the colony, the General Court ordered that the oath be "revived and put in practise through this jurisdiction," and declared that all who refused should be excluded from the benefit of their laws.<sup>162</sup> At the same time, evidently to mollify any feeling of vexation the King might have, they ordered a present to be sent to him,<sup>163</sup> and prepared an address a few days later, which in tone was very adulatory.<sup>164</sup> To the Lord Chancellor, the Lord Privy Seal and the Secretaries of State, letters were written, in terms almost too strong, thanking them for their assistance

<sup>160</sup> *State Papers, Colonial, Entry Book* 105, page 99. Laws of New England, &c., 2 August, 1677, *post*.

<sup>161</sup> *Massachusetts Records*, 10 October, 1677, Vol. V. p. 155.

<sup>162</sup> *Ibid.*, Vol. V. p. 154.

<sup>163</sup> *Ibid.*, Vol. V. p. 156. "It is ordered that the Treasurer doe forthwith provide tenn barrells of cranburyes, two hogheads of speciall good Sampe, three thousand cod ffish, to be sent to our messengers, by them to be presented to his majesty, as a present from this Court."

<sup>164</sup> *Ibid.*, Vol. V. p. 157. "To the high and mighty Prince Charles the Second, by the grace of God King of England, Scotland, France & Ireland, defender of the faith, etc. Illustrious Sir. Your majesties benignity appearing unto us in our former addreſſes imboldens us at this time to prostrate ourselves before yow. . . . wee may ever be numbered among your maj<sup>ties</sup>, though poore yet humble & loyall ſubjeſts, etc." 22 October, 1677.

assistance to the messengers, and praying for a continuance of their favors. In the letter to the Lord Chancellor they expressed a wish that through his mediation the villages in New Hampshire lying between the Merrimac and the Piscataqua might still be retained under the government of Massachusetts, and that the expenses of the colony, amounting to several thousand pounds, in the defence of Maine might be refunded.<sup>165</sup> These letters and the addrefs were inclosed in a communication from the General Court to William Stoughton and Peter Bulkley, dated October 22, in which, after praising the affiduity and faithfulness of the agents, a hope is expressed that the towns already mentioned may be retained, the inhabitants having petitioned to that effect, and suggesting that they should insist upon the repayment from Mr. Gorges of what had been spent in the protection of his province, amounting to about eight thousand pounds, by which means Maine "may be procured now on easier termes then at another time." A wish is also expressed that as liberty of trade has been the means of increasing shipping and has not been prejudicial to the royal customs, it may not be curtailed. "And further, as wee are obliged by our charter to permitt any of his maties subjects to catch fish in any part of our limitts, and to make use of the wood & the land for their stages & flakes, it is just that the like liberty may

<sup>165</sup> *Massachusetts Records*, Vol. V. p. 158: Court's letter to Lord Chancellor, 22 October, 1677. *Ibid.*, Vol. V. p. 159: Court's letter to Lord Privy Seal, same date. *Ibid.*, Vol. V. p. 161. Court's letter to Sir Joseph Williamson, Secretary of State, in which it is said: "Wee are very sensible that your honr hath

contributed not a little towards the right understanding of matters, for which your great candour & moderation towards us wee desire the Lord to give yow a full reward." 22 October, 1677. *Ibid.*, Vol. V. p. 160: Court's letter to Sir Henry Coventry, Secretary of State, same date.

may continue to us and all his maj<sup>ties</sup> subjects to fish in any part of these seas upon the coast of New England, & to save & make their fish upon the land next adjoyning as may be most comodious.”<sup>166</sup> This last request was owing to a threat made by Governor Andros of New York to impose a tax upon fishermen on the coast near Pemaquid, which, he claimed, belonged to the Duke of York.<sup>167</sup> “As for the coynage or any other additionall priviledge offered (not prejudicall to our charter) wee would not flght, but humbly accept.”

The suggestion made by the Committee that Massachusetts might still be permitted to hold jurisdiction over part of New Hampshire caused Mason and Gorges to petition jointly, begging the King to appoint a general governor over the whole of New England, which would be especially pleasing “to those of Plimouth and Connecticut who have been always very affectionate to yo<sup>r</sup> Ma<sup>ty</sup> service.” And we “doe not question but the magistrates of Boston itself (some ffew evill affected persons who like no Government but their owne Excepted) will find it their true interest to be under yo<sup>r</sup> Maj<sup>ties</sup> Just and Mild Government.” If this could not be done, then they prayed that New Hampshire and Maine might be united under one government, to be establisched by the King.<sup>168</sup>

Shortly

<sup>166</sup> *Massachusetts Records*, Vol. V. p. 163. Letter of General Court to William Stoughton and Peter Bulkley, 22 October, 1677.

<sup>167</sup> *Ibid.*, Vol. V. p. 161. “Major Andros hath signifyd his minde to our Council to impose customs upon all fishermen that fish on thosse coasts.”

<sup>168</sup> *Transcripts of New Hampshire Documents*, by J. S. Jennefs, p. 71. 9th January, 1677-8. “That His Ma<sup>ty</sup> will appoint a Govt for the Province of Main & New Hampshire. The humble Petition of Robert Mafon and fferdinando Gorges.” The mild government of the King to which the New England people

Shortly after the petition had been referred to the Committee on January 23d the negotiations between Massachusetts and Gorges for the purchase of his province were successfully concluded. By a deed executed on March 13th, the "County Palatinate" of Maine, with all its rights and privileges, was transferred to John Usher, of Boston, then in London, for twelve hundred and fifty pounds, and by him assigned later to the colony,<sup>169</sup> but the sale was not known for some time to the English authorities. The agents, in the meantime, having obtained a copy of Randolph's Narrative of the state of New England, denounced it before the Committee as containing "several falsehoods to the prejudice of the Government of the Massachusets." Upon which the Committee, evidently wishing to act with impartiality, and "being willing to give noe farther credit to the said Narrative than it shall appear to deserve," directed the agents to prepare a reply in writing, and ordered Randolph, being "well satisfied with his past services, and taking notice that  
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people were invited to submit themselves was at that time engaged with the aid of a large Highland force in suppressing conventicles in Scotland, "on which account many are fled from their homes, their houses and goods spoyled. These are the Bps ways to uphold themselves there, and the spirit of prelacy is *semper & ubique sui similis.*" See letter of Nathaniel Mather to his brother Increase Mather, 12 March, 1677-8, in *Massachusetts Historical Society Collections, Fourth Series*, Vol. VIII. p. 13.

<sup>169</sup> *Massachusetts Archives*, Vol. III. p. 323. Gorges' deed of Maine to John Usher, 13 March, 1677-8. In the deed,

Ferdinando Gorges is described as of Clewen, in the County of Berks, son and heir of John Gorges, late of the city of Westminster, in the county of Middlesex, son and heir of Sir Ferdinando Gorges, late of Acton Phillips, in the county of Somerset, knight; and John Usher, as merchant of Boston, in New England. The receipt for the money paid is found in *ibid.*, Vol. III. p. 332, 13 March, 1677-8. Among the witnesses to the deed and the receipt appears the name of Robert Humfreys [Humphreys], who took an active part, later, in the affairs of the colony, as counsef.

hee has many material things yet to offer, to draw up a paper containing all such new Matter as hee shall think fit to present concerning New England.”<sup>170</sup> The Committee, being displeased that the Massachusets agents had obtained a copy of Mr. Randolph’s Narrative, which was an official communication addressed to them, asked Mr. Stoughton and Mr. Bulkley at their next meeting, on March 28th, how they had managed to procure it. The agents replied that Mr. Mafon had given it to them six months before, who, being present, acknowledged the fact, saying that, being a party concerned, and having aided Mr. Randolph in composing the Narrative, he had thought it best to give an exact copy, having heard that Mr. Wade, a servant of the Lord Privy Seal, had already given one. This, however, the agents denied, saying the only copy they had was the one obtained from Mr. Mafon, but they acknowledged having sent a copy to New England. Upon which, the Committee thought it might be well for an attested copy to be made, so that the agents could “give an Answser to the particulars thereof as hath been directed.” The lords of the Committee then read again Randolph’s petition, presented at the last meeting; begging them to “Report his faithfull service and attendance in behalfe of His Ma<sup>tie</sup> for His Royal confideration,” and agreed “to report their opinions to His Ma<sup>tie</sup> in favour of M<sup>r</sup> Randolph as a fitt person to bee Collector of the Customes in New England, or deserving some other reward for his services.”<sup>171</sup>

The

<sup>170</sup> *State Papers, Colonial, Entry Book 105*, p. 225, 25 March, 1678. Agents declare Randolph’s statements to be false, &c., *post*.

<sup>171</sup> *Ibid.* 105, p. 231. Report in favor of Randolph as Coll<sup>r</sup>, &c., 28 March, 1678, *post*. On the same day the Attorney General and Solicitor General were requested

The Committee, being informed on April 8 that Sir Edmund Andros was on the point of sailing for his government of New York, decided to have certain questions concerning New England prepared, which was accordingly done, and presented to him at the proper time. The heads of business were then taken up, the first being the oath of allegiance, which the "Lords were positive ought to bee given in New England, in the same forme as it here stands in the Law, and without any mixture or relation of Fidelity to that Government, And it seems their own Original Charter tyes them not only to the Oath of Allegiance, but to that of Supremacy alsoe."<sup>172</sup> Mr. Randolph being called in, a dispute arose as to the manner and time in which the agents had obtained a copy of his Narrative,—a communication in its nature confidential. He charged the agents with having a knowledge of its contents before they had procured a copy from Mr. Mason. On both fides positive assertions were made which were contradictory. Randolph, fearing that harm might come to those of whom he had spoken favorably, as being loyal to the Crown in Massachusetts, prayed that "His Ma<sup>ty</sup> might be moved to send His Royal Letters to forbid any detriment to those persons." He then said he had new charges to offer against the Magistrates of Massachusetts; not

requested to examine the Massachusetts charter, so as "to measure their behaviour and try them according to the Rule of this charter for what they have done amiss." See *State Papers, Colonial, Bundle 52* (139) : "The Attoorney & Solicit<sup>r</sup> Gen<sup>l</sup> to Inspect<sup>y</sup> Charter of y<sup>e</sup> Massachusets," 28 March, 1678, *pof.* The order was dated originally 27 July, 1677.

<sup>172</sup> The clause in the charter gives to the Governor, etc., "full power and autoritie to minister and give the oathe and oathes of supremacie and allegiance or either of them, to all and everie person and persons which shall at any tyme or tymes hereafter goe or passe to the landes and premisses hereby menconed to be graunted to inhabite in the same."

not only had Mr. Mason and Mr. Gorges been driven from their inheritances, but also the bordering colonies of Connecticut and New Plymouth had been encroached on. The colonists speak reverently of the King's letter of 1662, which they "call His Ma<sup>ties</sup> Gracious Declaration"; but they have not paid the slightest attention to its contents, "for many of their Laws are repugnant to the Fundamental Laws of England, alsoe contrary to their charter; and even fitted on purpose to discourage and suppress the service of the Religion professed by the Church of England. That although by His Ma<sup>ties</sup> order, all persons of good and honest lives should be admitted to y<sup>e</sup> sacrament of the Lord's Supper, and their Children to Baptisme; yet great number of persons remained unbaptized, and deprived of the Communion, by means of a Law which regulates the choice of Minifters; only members of the congregational churches can be made freemen; they give a preference to their owne Laws before those of England, not permitting them to bee pleaded in their Courts, till confirm'd by their Assembly." The necessity of a "reformation by a Superior hand" is shown by their actions, and "by their apparent obstinacy and refusal to come to any fort of amendment," like the revival of the law obliging people to take the oath of fidelity to the country. They pretend ignorance of the laws of navigation, and blame the King and his ministers for not acquainting the colony with them, "altho' it appear, by an A&t of their owne made in 1663, that they had received His Ma<sup>ties</sup> Order to that effect. Nor had they even suspended their Coining of money (which they confess to bee a Crime) until His Ma<sup>ties</sup> Pleasure might bee knowne."

To

To these vigorous attacks the agents endeavored to make answer and to excuse the conduct of the colony by saying that the preamble to their law in regard to the Act of Navigation, which had given offense, had been passed in great haste, as the General Court was on the point of adjourning, and "as to the Errors of their Government, altho' they had received some intimation of them from the Committee, yet they had not received His Ma<sup>ties</sup> formal Commands therein."

The effect of Randolph's remarks upon the Committee was made manifest immediately. As soon as he and the agents had withdrawn from the Council chamber, the minutes of the meetings of July 27 and of August 2, at which it had been decided in a full meeting that there was "a necessity of bringing New England under a more palpable declaration of their obedience and dependence on the Crowne," were ordered to be read. "These minutes having been read, their Lo<sup>ps</sup> consider how far the Government of Boston has shewed a Complyance to any part of His Ma<sup>ties</sup> pleasure signified unto them by the Committee." The consideration was not favorable to the colony, emphasis being laid upon the complaints made by Randolph, particularly as to the oath of fidelity and the statement made by the magistrates that no intimation had been given regarding the Act of Navigation, which was disproved by their own law of 1663. "Upon the whole matter their Lo<sup>ps</sup> seem very much to resent that noe more notice is taken in New England of those Points which were soe fairly, and with soe much softness, intimated here to the Agents; from whose modest deportment, in the general, it was hop'd there was a much more inclinable temper towards obedience in New England than

than what now appears. And are soe farr from advising His Ma<sup>ty</sup> immediately to grant them a pardon, much less the accession of Government in the Country claimed by M<sup>r</sup> Mason, which they petition for, that they are of opinion the whole matter ought seriously to bee considered from the Very Root." The Committee were satisfied that no commands would have any effect except they were enforced by some one on the spot, and if a Governor should be appointed, it would have to be "a Governor wholy to bee supported and maintained by His Ma<sup>tie</sup>." But before advising the King what to do in "this great affaire" they desired the Crown lawyers to report upon the validity of the Massachusets charter, the Quo Warranto of 1635, "and lastly, supposing that the said charter were originally good, their Lo<sup>ps</sup> desire to know whether the Corporation have, by mal-administration of the Powers or otherwise, Forfeited the same, so as to bee now in His Ma<sup>ties</sup> mercy and disposal. And M<sup>r</sup> Randolph is appointed to attend with Information in several matters of fact relating to the aforesaid particulars."<sup>173</sup>

On the same day — April 8 — the questions regarding New England, already mentioned, were presented to Sir Edmund Andros, who on the 16th returned his answers. They did not differ materially from the inquiries given to Randolph and his replies, except as to population, which Sir Edmund estimates as very much less than did Randolph in his Narrative.<sup>174</sup>

In

<sup>173</sup> *State Papers, Colonial, Entry Book 105*, p. 233. The busines of New England, 8 April, 1678, *post*.

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<sup>174</sup> *Ibid., Bundle 52* (140). Lords of the Comtee to Sir Edm<sup>d</sup> Andrewes, Inquiryes to S<sup>r</sup> Edm<sup>d</sup> Andrewes Concerning

In the meantime, Randolph followed up his attack by presenting a petition, which was read by the Committee on April 18th, begging that his friends in New England, who were loyal to the Crown, might be protected, and not injured, as had been the case with those who had submitted to the royal commissioners in 1664, and that those who refused to take the newly revived oath of fidelity to the country, by which allegiance to the King was made secondary, should have "noe distinctions or discountenances" put upon them. "The Agents endeavor to mitigate any apprehension of ill that could possibly befall the parties soe favorably mentioned by Mr Randolph. And that they would answer it here to his Ma<sup>ty</sup> at their perils. And as to the Forme of that Oath, and the expreſſion therein made of Allegiance to his Ma<sup>ty</sup> mixed with Fidelity to the Country, they doe acknowledge that the forme of it is very ill advised, and Very fit to bee reformed. And that they are well assured that if His Ma<sup>ty</sup> shall enjoine the Oath of Allegiance separate, and as by Law it is here establish't, it will not bee refused. And that they themselves, though they have not hitherto taken such Oath, yet they are ready to take it when required thereunto." The Committee then agreed to report that Randolph had sufficient grounds for petitioning the King, as the oath of fidelity "ſeemes to bee a Snare in y<sup>e</sup> way of many of His good ſubjeſts there, who attend His Royal Orders, and of whose preservation His Ma<sup>ty</sup> will ever bee tender,"

cerning New England, 8 April, 1678,  
*þoſt.*

*Ibid.*, 52 (149). Anſwers to Enqui-  
ries of Plantaçons of New England

ffrom the Right Honōble the Lords of  
the Comittee for trade & plantaçons  
reēd in London 9<sup>th</sup> Aprill, 1678. Ap.  
16, 1678, *þoſt.*

tender," and that the oath of allegiance ought to be taken by all the King's subjects in the colony, " being of soe fundamental a concerne to His dignity and Government." <sup>175</sup> In accordance with this order Randolph sent in his petition to the King the same day, a vessel being on the point of failing for Boston by special leave, and no other opportunity being likely to offer for a considerable time, "by reason of the present Embargo, humbly praying yo<sup>r</sup> Maj<sup>ie</sup> to take the condition of yo<sup>r</sup> Distressed loyall subjects into yo<sup>r</sup> Gracious consideration and to give them that Relief and protection by yo<sup>r</sup> Royal Orders to the Governm<sup>t</sup> of Boston, That noe distinctions or discountenance whatsoever, be putt upon such as have refused to take the faid Test, or have been favourable to the pet<sup>r</sup> during his stay there, or corresponding with him since his departure, in order to assert yo<sup>r</sup> Maj<sup>ts</sup> authority." <sup>176</sup>

Taking advantage of the order of the Committee that he should offer in writing anything new "touching the evill practices and misdemeanours of the magistrates that now hold the Governm<sup>t</sup> of the Maffachusetts Bay contrary to their Charter." Randolph had prepared a paper, which was read on the same day as his petitions. He reiterates in strong language what he had already said in his previous communications, adding, however, that the laws of the colony were not only repugnant to those of England and opposed

to

<sup>175</sup> *State Papers, Colonial, Entry Book 105*, p. 246. Randolph's Petition. that his friends in Boston be not injured, &c. 18 April, 1678, *post.*

<sup>176</sup> *Ibid., Bundle 52* (142). Randolph's petition to the King. The

humble Petition of Edward Randolph in behalf of many of yo<sup>r</sup> Maj<sup>ts</sup> loyal subjects living under the Governm<sup>t</sup> of the Bostoners in New England, 18 April, 1678, *post.*

to the royal commands, but also "contrary to the plaine intent of the Grand Charter"; that, although the first design of the colony was liberty of conscience, yet no one was allowed to be baptized according to the Book of Common Prayer; that the county courts are obliged by law to "purge their Towns from all Ministry which shalbe found (as they terme it) Heterodox, by which they discourage a voluntary Reformation from their arbitrary Independency"; that the penalty of five shillings for non-attendance at their churches "obstructs the true Protestants in the exercise of their Religion, and terrifies the seduced people from a Compliance with the Church of England"; that by their law directing all freemen to vote for former magistrates under penalty of ten pounds, the founders of the Commonwealth are retained in power, no matter how obnoxious they may be, like Governor Leverett, "who was in actuall Armes against His Maj<sup>ie</sup>", and Mr. Guggins [Gookin], who "harbooured and protected Goffe and Whaley, and Mr. Hawthorn, who was commanded by His Ma<sup>ry</sup> Letters of 1666 to attend upon his Allegiance at Whitehall, but refused to appeare; that by virtue of a Soueraigne Right (as they give it out) they affsume a power of allowing or rejecting any Law Royall Commands or Act of Parlement" which do not agree with their frame of government; in their civil and criminal trials they pay no respect to the laws of England, unlesf they are incorporated into their own by an act of their Assembly; he would not have spoken of "these Enormities and crimes" if there was any hope of amendment; besides showing their contempt for the King's letters, they have imposed the oath of fidelity upon strangers as well

well as inhabitants, caring only to be "Enriched with the accession of New Government," and to pursue their former practices, although confessing "their unlimited trading ever since his Maj<sup>ts</sup> Restauration, and throwing all the fault upon his Maj<sup>tie</sup> and Ministers, having no regard for the Decency of Truth."<sup>177</sup>

The agents having expressed a willingness to take the oath of allegiance, an order was passed on April 24th that it should be administered to them.<sup>178</sup> Two days later they took the oath in presence of the Committee, declaring at the same time that they believed the Magistrates and inhabitants of Massachusetts would most willingly do the same.<sup>179</sup> Accordingly on the 27th a letter from the King was written to the magistrates, commanding them to administer the required oath to all the inhabitants of the colony who had attained the proper age.<sup>180</sup>

Although the current of feeling was running very strongly against the colony, the agents, faithful to their trust, tried to check it by asking the Committee to excuse their shortcomings in not having communicated to the magistrates the declared wishes "for redress of the abuses practised" in Massachusetts, and that they would upon their return to New England do all in their power to have the demands of the royal

<sup>177</sup> *State Papers, Colonial, Bundle 52* (150). Report from Mr Randolph concerning ye Massachusetts governm<sup>t</sup>. 18 April, 1678, *post*.

<sup>178</sup> *Massachusetts Historical Society Collections, Fourth Series*, Vol. II. p. 288. Order in Council 24th of April, 1678. Present, the King's most excellent Majesty.

<sup>179</sup> *State Papers, Colonial, Entry Book 105*, p. 255. Agents take the Oath of Allegiance, etc., 26 April, 1678, *post*.

<sup>180</sup> *Hutchinson's Collection of Papers, Prince Society*, Vol. II. p. 253. Letter of King Charles to the Governor and Council of the Massachusetts Colony, 27th April, 1678, *post*.

royal government carried out; they also begged the Committee to consider favorably the petition of the four New Hampshire towns to remain under the government of the Massachusetts magistrates. To this appeal the Committee seem to have turned a deaf ear, for no answer is recorded in the minutes of the meeting at which the petition was read. At the same meeting was presented the reply of the Attorney General and of the Solicitor General concerning the Massachusetts patent, stating that it would be most proper to obtain the opinion of the Lords Chief Justices in regard to the original validity of the charter; in their opinion neither the Quo Warranto of 1635 nor the judgment rendered was sufficient to cause a dissolution of the patent, but that the misdemeanors charged, if true, were enough to annul it. After reading the report of the Crown lawyers, the Lords of the Committee "offer their opinions that a Quo Warranto be brought against their Charter and new Laws framed instead of such as are repugnant to the Laws of England." At the same time the Committee agree to recommend Mr. Randolph, in consideration of his zeal and capacity, to the Lord Treasurer for the position of Collector of Customs at Boston in New England, and, the King approving of the choice, a commission was directed to be issued.<sup>181</sup> The recommendation was couched in strong terms of praise: "wee have had more light and information from

Mr

<sup>181</sup> *State Papers, Colonial, Entry Book 105*, p. 256. Misdemeanors sufficient to avoid charter, 16 May, 1678, post.

*Ibid., Bundle 52 (146), post.* The four towns in New Hampshire petition-

ing to remain under Massachusetts were Dover, Exeter, Hampton, and Portsmouth, see *Transcripts of Original Documents relating to New Hampshire*, by John Scribner Jenness, 1876.

M<sup>r</sup> Randolph then from any person else, and he hath at all times attended Our meetings in this matter, Soe that Wee cannot but acquaint yo<sup>r</sup> Lordship of the very good opinion wee have of his zeal and capacity to serve his Ma<sup>tie</sup> in that Employment.”<sup>182</sup>

The agents still persevering in their efforts prepared, and on the 28th of June presented, an answer to Randolph’s Narrative, denying his principal statements, which, they argue, being based on prejudice and on information obtained during a very short visit, ought not to have weight without proof. As to the colony erecting itself into a free State in 1652, as alleged, “they never had any other foundation or forme of governm<sup>t</sup> but w<sup>t</sup> is constituted in the Royall Charter of their Incorporation. They never Proclaimed any of the late Powers, or derived Authority from them, as the other Plantations did. They acknowledge his Majesty alone to be their Soveraigne.” Their records will show that the accusations against their laws are falsehoods and calumnies, and evince Randolph’s rooted prejudice against their government. His representation that the magistrates grow rich from their official positions is disproved by the fact that the salaries are small, and more has been spent by them than they have received; that the annual income of the colony, instead of being twenty thousand pounds as reported, was before King Philip’s war about seven hundred pounds, increasing to about fifteen hundred  
during

<sup>182</sup> *State Papers, Colonial, Bundle 52 (148).* Report to my L<sup>d</sup> Treasurer Concerning M<sup>r</sup> Randolph, 16 May, 1678, p. 97. The Report was signed by

eleven of the Committee, including the well known names of Sir Robert Southwell, Henry Coventry, the Earl of Essex, and the Bishop of London.

during the hostilities, all deficiencies being made up by a general tax, and an account of receipts and disbursements made to the General Court every year. The number of church members compared with the rest of the inhabitants, as stated, is not true, "nor was there ever any such nickname, or terme of distinction, between the one & the other, as that of Dissenting Party." The Indian war was not caused by the conduct of Massachussetts, but had its rise in New Plymouth, and if the colony had remained neutral, "the chief of the Indians have often declared they would not have given the inhabitants any disturbance, so farre were they themselves from laying anything to the charge of the Massachussetts." The insinuation that church members had liberty to stay at home and "not hazard their persons in the warre," is not true, as is shewn by the list of those killed. Instead of "the People generally groaning under the yoke of the present Governm<sup>t</sup>, they are earnestly desirous to have it by His Ma<sup>ties</sup> grace & favour encouraged and continued," as is evident from the petition of the four New Hampshire towns, but that "Mr. Randolph made it his businesse, wherever he came, to disaffect the people as much as he could." His statement concerning Major Winslow is proved to be false by Mr. Winslow himself, who says "that he never made it his designe, nor thought it their interest to desire a change of Governm<sup>t</sup>, in one or other colony, whilst God & the King were pleased to favour them with their present Priviledges."<sup>183</sup> This answer appears to have had no effect.

It

<sup>183</sup> *State Papers, Colonial, Bundle 52 (152).* Answer to Randolph's Narrative by agents of New England, 28 June, 1678, *post.*

It was manifest that an effort would be made to enforce, at least, the Act of Navigation. Randolph, being deputed to be collector, surveyor, and searcher of all the rates, duties and impositions arising and growing due to his Majesty, by virtue of the Act of the twenty-fifth year of his Majesty's reign for the colony of New England, including Massachusetts, Plymouth, Connecticut, Rhode Island, the Provinces of Maine and New Hampshire, and "all other His Maj<sup>ts</sup> Colonies and Islands in New England," received full instructions from the officers of the Custom House in London, which were dated 9 July, 1678.<sup>184</sup> He began at once to busy himself with the duties of his office. Knowing how important it would be to have the forts, and particularly the castle guarding the approach to Boston, in hands friendly to him, he petitioned the King, he writes to a correspondent, to that effect, and "made a map of the bay of Boston that the King may see the necessity thereof." In the same letter he speaks as if he intended sailing for Boston soon, having received orders in regard to two petitions, one from some of the inhabitants of Warwick complaining of the violence of the Massachusetts government, the other concerning the jurisdiction over the Narragansett country.<sup>185</sup> He did not, however, leave England for more than a year. The discussion over these petitions by the Committee, on July 30th, led

many

<sup>184</sup> *Massachusetts Archives*, Vol. LXI. p. 168. Instructions from the Commissioners for managing, levying and causing to be collected His Maj<sup>ts</sup> Customes, Subsidies, and other Duties in England to Edward Randolph, Esq; Collector, Surveyor and Searcher of his Maj<sup>ts</sup> Customes in New England, in

pursuance of the direction of the Right Hon<sup>ble</sup> Thomas, Earle of Danby, Lord High Treas<sup>r</sup> of England, post.

<sup>185</sup> *Massachusetts Historical Society Collections*, Sixth Series, Vol. III. p. 457. Letter of Edward Randolph to [William Stoughton?], 18 July, 1678, post.

many of the members to infer "from the Diffentions among the Colonies, y<sup>e</sup> great necessity there is for His Ma<sup>tie</sup> to appoint Some General Governor, or some Supreme Authority over them." To the agents, who were desirous to obtain leave, to return home, it was told that it would be better for their interest to remain longer, as Sir Robert Southwell<sup>186</sup> was then preparing an exhaustive report upon the whole busines of New England, upon which "final resolutions" can be taken. Upon being asked what answers they had received from the magistrates "touching the Points intimated to them by the Committee at several times," the agents replied that the General Court was on the point of adjourning when their letters were received, and that there was no full account of what had been done in the May ses-  
sion, "the Small-Pox having then very much interrupted their meeting. Being likewise asked if they had power to sue for a New Charter, for that their Old one was by the Report of M<sup>r</sup> Attorney and M<sup>r</sup> Sollcitor General by many transgressions and forfeitures become void," they replied they did not know that the charter had been declared void, and although they had coined money and exercised jurisdiction in Mr. Gorges' province, they had never put any man to death, and had always thought they were at liberty to act as they had done, until "the Judges did lately determine otherwise." The Committee then said they did not declare that the patent was actually annulled, but they wished to intimate

<sup>186</sup> Sir Robert Southwell, Knight, was Envoy Extraordinary to Portugal in 1665, also to Brussells in 1671; afterwards clerk to the Privy Council, and

was elected five times President of the Royal Society; died in 1702, aged sixty. His wife was the daughter and heiress of Mr. Blathwayt.

intimate to them the necessity they were in "to pray of His Ma<sup>tie</sup> what their Case requireth," and they passed an order that "S<sup>r</sup> Robert Southwell is to make hast with the great Report, and to state therein not only the Mismanagement<sup>t</sup> of their powers, but their management without Powers; to state clearly the whole fact from the beginning till this time; and then in a separate paper to collect what at any time their Lo<sup>ps</sup> have propos'd for the final Regulation of this matter."<sup>187</sup>

The demand that the oath of allegiance should be taken by the colonists was finally acceded to. On October 2d, the General Court, the deputies having subscribed to the oath, following the example of the Governor and Magistrates, who had taken it in August, passed an order that it should be administered to "all his Majesties subjects w<sup>th</sup>in this jurisdiction that are of sixteene yeares of age & upwards,"<sup>188</sup> under penalty of fine or imprisonment, and declared at the same time that the punishment for treason to the King should be death, upon lawful conviction by two credible witnesses. While these orders, designed to mollify the hostile feeling against them, were being passed, and an address prepared for the King, thanking him for his former gracious promise to confirm their charter and pardon their errors, begging that Mr.

Stoughton

<sup>187</sup> *State Papers, Colonial, Entry Book 105*, p. 261. Agents asked if they have power to sue for a new charter, 30 July, 1678, *post.*

<sup>188</sup> *Massachusetts Records*, Vol. V. p. 191, 192, 193, 2 October, 1678. By the oath an acknowledgment was made that Charles II. was the lawful sovereign, and that the pope had no right

to depose him, and that "I doe from my heart abhor, detest, and abjure, as impious and haereticall, this damnable doctrine and position, that princes which be excommunicated or deprived by the pope, may be deposed or murdered by their subjects, or any other whatsoever."

Stoughton and Mr. Bulkley might have liberty to return home, having accomplished the object of their mission, which concerned only the bounds of Massachusetts, New Hampshire and Maine, and expressing a hope that a deaf ear would be turned to the suggestions of the evil wishers of the colony,<sup>189</sup> another order was recorded, which would inevitably excite the anger of the King.<sup>190</sup> "This Court having voted the acceptance of the bargain of our agents for the Province of Maine doe order that the Treasurer take effectuall order for the payment thereof and doth desire the Gouernor & council to take order for the improvement, goûment & disposall of the faide place, as to them shall seeme most meet & best."

The transferring of the government of the province with its feudal, and almost independent, rights to a colony, whose conduct had already irritated the King, would widen, it was evident, still further the breach between him and the Massachusetts Company. The Committee of the General Court, on whom devolved the task of considering if the province had better be retained or sold, reported in favor of retaining it, giving among other reasons that the bargain must have been a good one, "because our opposites in England particularly M<sup>r</sup> Mason & M<sup>r</sup> Randolph vigorously opposed our Agents in that Bargaine & prevailed so farre as to frustrate

the

<sup>189</sup> *Massachusetts Records*, Vol. V. p. 197; also *Hutchinson Papers*, Prince Society, Vol. II. p. 254. October 10, 1678.

<sup>190</sup> *Ibid.*, Vol. V. p. 195. Order about the Province of Maine, 2 October, 1678. *Ibid.*, 191. "The 2 indentures abt the Province of Maine were also read, &

delivred in a black box to y<sup>e</sup> Secretary to keep for the Court." A day of humiliation was also ordered that God would "not take away his holy gospel, and would yet continue our liberties civil & ecclesiastical to us, & to our children after us," p. 196.

the first attempt, our friends in England approve of it, and as for the Government it is not impossible we may injoy the same, by the helpe of God, having to doe therein with so gratiouse a prince," besides the "interest y<sup>t</sup> wee hereby have in the islands of Nantucket & Marthas Vineyard,<sup>191</sup> & share in the townes on the east of pasquataway is to be considered a matter of weight." If the King should expreſs his dissatisfaction, there would be "time enough to returne him ſuch answer as becomes dutifull & loyal ſubjects." If it ſhould be objected that the Anglican church is there eſtablished by law, that ought not to be an impediment, for the doctrine of the Church of England is "Sound and orthodox, and al-though in our judgment wee differ from its government, ſtill its members are obedient to civil order, which the Quakers and other persuasions are not. If it ſhould be objected that we are burdened with the debt for the Indian war, the ſum, though conſiderable, we have to pay, can eaſily be reimbursed by the ſale of land, and we ought not through feare of contingent events decline this oportunity."<sup>192</sup>

On the 10th of October the General Court prepared a letter of thanks to the agents<sup>193</sup> for their "indeffattigable endeavours," expressing a hope they might ſtill be able to retain

<sup>191</sup> Those islands belonged to the province of Maine by the charter to Sir Ferdinand Gorges, under the Indian names of Nautican and Capowock. See *Sir Ferdinand Gorges and his Province of Maine*, by James Phinney Baxter, Prince Society, Vol. II. p. 125.

<sup>192</sup> *Massachusetts Archives*, Vol. III. p. 333. A returne of the Committee appointed by the Gen<sup>l</sup>l Court to consider

of the matter preſented Relating to the province of Mayne, 8 October, 1678.

<sup>193</sup> The agents wrote that had it been foreseen what troubles they would be involved in, it would have been ſafer to have committed the affair "to the management of other & better hands." See *Massachusetts Archives*, Vol. CVI. p. 216. Letter of William Stoughton and Peter Bulkeley to the General Court, 13 September, 1678.

retain possession of the four New Hampshire towns, thus giving a continuous sea coast line, saying that their "Charter, being under God our only security against the malice of our adversaries, any little breach in the wall would endainger the whole; that the interest of the Lord Jesu and his churches scittuated in this wilderness ought to be farr dearer to us then our lives, and wee are not without hope that, in the issue, his Maj<sup>ties</sup> favour will be as the north winde for the scattering of those clouds that doe feeme at present to threaten the losse of our future tranquillity; that they would be much pleased if the King would select a design for their money, as he would undoubtedly, upon consideration, allow the continuance of the colonial coining for the benefit of commerce; not only had the oath of allegiance been taken, but the Kings armes also the Court have ordered to be forthwith carved by an able artist & erected in the court house."<sup>194</sup>

In this letter was inclosed an answer to the objections against the laws of the colony urged by the Solicitor and the Attorney-General, stating that the word "Commonwealth" would not be used in the future; that the Quakers, who were intruders, and had carried themselves "contemp- tuously

<sup>194</sup> *Massachusetts Records*, Vol. V. p. 201. Letter of General Court to the Agents in England, 10 October, 1678. The clause in regard to coining is as follows: "As for that particular of our coyning money w<sup>th</sup> our ounē impref<sup>s</sup>, his maj<sup>t</sup>y of his gratiouſe cle- mency towards us, hath not binn pleased as yet to declare his pleasure therein; and wee have confidence that, when he shall truely be informed of the ſimplicity of our actings, the publicke joy thereof to his ſubje<sup>c</sup>ts here, and the great da<sup>m</sup>-

age that the ſtoppage thereof will in- evitably be to our neceſſary co<sup>m</sup>erce, and the abatement of his maj<sup>ties</sup> cuſtomes, yearly accruing by our merchants & navigation, & is paid in London, his maj<sup>t</sup>y will not account thoſe to be freinds to his Croune that ſhall feeke to inter- rupt us therein; and for the impref<sup>s</sup> put upon it, wee ſhall take it as his maj<sup>ties</sup> ſignall ouning us, if he will pleafe to order ſuch an impref<sup>s</sup> as ſhall be to him moſt acceptable."

tuously against authority, and were disseminating and insinuating their damnable opinions," had been punished for breaking the laws of the colony, just as the Jesuits had been punished in England for transgressing the laws of the kingdom; that condemned persons are allowed to make their wills, as it is according to the custom of East Greenwich, and consequently in accordance with their patent; that, in addition to the reasons already assigned for coining, it was to prevent fraud, much counterfeit Spanish money being brought into the colony; that there was no neglect in trying to arrest Goffe and Whalley; in regard to the Acts of Navigation the laws of England are "according to the usuall sayings of the learned in the lawe bounded w<sup>th</sup>in the fower feas, and doe not reach Amerrica. The subjects of his maj<sup>tie</sup> here being not represented in Parliament, so wee have not looked at ourselvess to be impeded in our trade by them"; still, in obedience to the King's wishes, a law was passed by the General Court in 1677 in conformity with the Acts of Navigation, although we hope "to obteyne from his majesties gracious favour liberty of trade for the encouraging of his good subjects in a wilderness & hard country. It seemes hard that wee may not have liberty w<sup>th</sup> our fellow subjects in England; as for the laws that seem contrary to the statutes of England, which were not so confidered when they were enacted, we will repeal those that shall appear to be repugnant upon examination, and for the future none will be passed without the particular license of the King, except such as will make us to renounce the professed cause of our first coming hither."<sup>195</sup>

Before

<sup>195</sup> *Massachusetts Records*, Vol. V. p. 198.

Before the letter had reached the agents, great excitement prevailed in London and throughout England on account of the so-called Popish plot,<sup>196</sup> which absorbed the attention of the government, suspending temporarily any marked interest in the affairs of the distant colonies. The feeling against all forms of dissent from the Church of England, which considered itself the bulwark of royalty, running high, the question of the King at the Council Board, asking what disadvantages the members of the established Church labored under in New England seemed natural. To this question Randolph replied by a written communication, presented to the Committee on January 15, entitled, "The Ill Treatment the Church of England receives in Boston," in which, after quoting the laws of the colony restricting the privileges of freemen to members of the Congregational churches, and imposing a fine for non-attendance, prays "in behalf of his Maj<sup>ts</sup> good and loyall subjects in New England" that the King will signify his pleasure to Massachusetts and the other colonies that "all persons declaring to the next Magistrate their conformity to the Church of England, having taken the oath of Allegiance, be forthwith admitted to be ffreemen, and be made capable of being chosen to the Magistracy, and to have an Exemption from the Laws obliging all persons to come to their Independent and congregational Churches, And that all Ministers have ffree liberty

<sup>196</sup> Letter in *Massachusetts Historical Society Collections, Fourth Series*, Vol. VIII., p. 345. January 21, 1678-9. "About October there was a discovery of such a hellish plot & designe of the Popish Jesuitical party, as I think is not

to be paralleled in any history. It was to take away the life of the King, to subvert the government, destroy the Protestants & Protestant Religion, to restore Popery, — the first who revealed it was M<sup>r</sup> Oates."

liberty to read divine Service and administer the Sacraments of Baptisme and the Lords Supper according to the Rights [rites] of the Church of England." <sup>197</sup> This was followed on February 6 by a petition from Randolph, begging that a report might be made in Council upon the "necessity of sending an Orthodox Minister to New England." The Committee agreed to report that as liberty of conscience was the motive for granting the royal charter, by which no laws repugnant to those of England can be passed, "besides the readinesſ of many loyal Inhabitants to receive such a Minister as might preach and administer the Sacraments according to the Rights [rites] of the Church of England, their Lo<sup>ps</sup> are of opinion that the Lord Bishop of London bee directed to appoint forthwith ſome able minister to goe and reſide at Boston in New England, and to appoint ſoe many others from time to time, as the Country ſhall bee willing to maintain, and will farther advise His Ma<sup>tie</sup> that all persons taking the Oath of Allegiance and joyning themſelves with the Congregation of the Minister to bee appointed by the Lord Bishop of London and having obtained a Certificate under the hand of the ſaid minister and three of y<sup>e</sup> ſaid Congregation, of their conformity to the Church of England ſhall bee by His Matys express Orders declared as capable of all freedoms and privileges as any other perfon whatſoever, and that all penaltys imposed on ſuch perſons by reaſon of y<sup>eir</sup> abſenting or withdrawning themſelves from any other public

<sup>197</sup> *State Papers, Colonial, Bundle 53* (174). The humble Anſwer of Edward Randolph to his Majts Question

in Councill. The Ill Treatment the Church of England receives in Boston, 15 January, 1678-9, *post.*

lic meetings of divine Service shall be taken off, and the Laws inflicting the same forthwith repealed.”<sup>198</sup>

It being a matter of great uncertainty how he would be received in Massachusets, and how he would be able to execute the duties of his office, in face of the independent attitude displayed by the colonists, in addition to the question of salary, Randolph proposed, in order to “reduce that people to their due obedience to His Ma<sup>ty</sup>,” that the King’s commands signified in his letters of 1662 should be carried out. If these commands were complied with, he would “bee the better enabled to pursue his Instructions.”<sup>199</sup> He proposed further that “all Lawes repugnant to the Lawes of England be declared void and repealed at the next General Court at Boston, And no Law for the future to be valid and of force amongst them till allowed of and confirmed by His Ma<sup>ty</sup> in Councill; that the Number of Magistrates in that Colony be not fewer then Eighteen, and that untill his Ma<sup>ty</sup> shall please to appoint a General Governo<sup>r</sup>, Josiah Winslow, Esq<sup>r</sup> (late General of the fforces of the united Colonies in the Indian Warre) may be appointed his Ma<sup>tys</sup> Majo<sup>r</sup> General of that whole plantation,” with deputy lieutenants to settle the militia of the several colonies, and to give out commissions for the future only in the King’s name.<sup>200</sup>

The question of salary was settled by the Committee to be paid out of the Customs, one hundred pounds yearly, and as a reward for his past services, it was to commence from the

date

<sup>198</sup> *State Papers, Colonial, Entry Book* 105, p. 295. Concerning the sending of an Orthodox Minister to New England, 6 February, 1678-9, *post.*

<sup>199</sup> *Ibid.*, 105, p. 312. Proposals about

collecting customs, 22 February, 1678-9, *post.*

<sup>200</sup> *Ibid., Bundle* 53 (179). Proposals ab y<sup>t</sup> Massachusets, 22 February, 1678-9, *post.*

date of his arrival from New England, the 10th of September, 1676, but they thought there was "danger in sending over a Collector of the Customs to New England, untill there be further progress made for setling that Country."<sup>201</sup> Randolph's proposals having been submitted to Sir Robert Southwell, he reported on the 8th of March that undoubt-edly if they could be carried out, the task of the Collector would be rendered easier, but considering that the royal commissioners of 1665, "who did never attempt soe great Reformations, as are now proposed, were withstood and defeated in their efforts, it would be wiser to weigh them maturely, least His Ma<sup>tys</sup> intentions should be foiled for the want of Authority in M<sup>r</sup> Randolph to support them."<sup>202</sup> The Committee, whose views harmonized with those expressed in the report, agreed "that until His Ma<sup>tie</sup> shall give those His Subjects to understand that hee is solemnly bent upon a general reforma~~cōn~~ of the abuses in their Governm<sup>t</sup> Wee cannot hope for any good from the single endeavours of any officer that may there be sent, but rather contradiction and disrespect in all that shall bee endeavoured for his Ma<sup>ties</sup> service if they will but call it an infringem<sup>t</sup> of their Charter," and considering that a general account of the state of the colony is being prepared in which "such expedients are to bee offered as may bring them to a dependance on His Ma<sup>ties</sup> authority equall to that of other colonies which Wee think His Ma<sup>ties</sup> steddy resoluton may effect Wee therefore leave

<sup>201</sup> *State Papers, Colonial, Entry Book 105*, p. 316. Randolph's Petition for Reward, &c., 3 March, 1678-9,

<sup>202</sup> *Ibid., Bundle 53* (180). S<sup>r</sup> Rob<sup>t</sup> Southwell's report concerning M<sup>r</sup> Randolph's propofalls, 8 March, 1678-9, *post.*

leave it unto your Lo<sup>ps</sup> [Lord Treasurer] consideration whether it bee not best to suspend the departure of any such officer untill there bee a finall resolution taken in this matter.”<sup>203</sup>

The agents being very desirous of returning home, after an absence of more than two years, the Committee finally consented to advise the King to grant the desired permission, and to write a letter to the colony, “as may keep things there in a fair way of amendment, untill a fitter season shall present to reassume this whole busines, for the prosecution of the Popish Plot had not left a sufficient leasure for a perfect settlement.” The letter was to command the magistrates to send over two other agents, within the space of six months, fully empowered, and to state that the King’s wishes are to be complied with in regard to allowing “those who desire to serve God in the way of the Church of England to bee made capable of magistracy, and that neither they nor any other be subject to forfeitures or other incapacities for the sake of their Religion; the ancient number of eighteen Assistants to be obſerved; all military commissions and judicial proceedings to run in the King’s name; all laws inconsistent with the Acts of Trade and Navigation to be abolished, for the better obſervance whereof they are to assist

<sup>203</sup> *State Papers, Colonial, Entry Book* 60, p. 343. Lett<sup>r</sup> from the Com<sup>tee</sup> to the Lord Treār touching Mr Randolph, 10 March, 1678–9, *post*.

In the *History of Massachusetts Bay*, by Thomas Hutchinson, Vol. I. p. 330, ed. 1765, a note gives the following: “Mr. Randolph yet waits to get the country better qualified for his reception. By a letter which he wrote to

one of Boston, in the west, who was so ingenuous as to send the very original to us, we perceive great things are upon the wheels relating to us, in his airy fancy. They were such as not to be committed to paper, but to be communicated in the fafer way of private discourse. Bulkley’s letter to Bradford, 1679.”

affist M<sup>r</sup> Randolph in the discharge of his trust; that His Ma<sup>ty</sup> doth take it very ill that, while the complaint of M<sup>r</sup> Gorges was yet under consideration, they should presume to purchase His interest in the Province of Maine; he is resolved to take New Hampshire into his own immediate care, instead of gratifying them with the government of a portion of it, and ordering the magistrates to recal all Commissions and Powers of Government settled by them in that Province.”<sup>204</sup>

While the Lords of the Committee were denouncing the action of Massachusetts in purchasing the Province of Maine, the General Court on May 28th voted “to keep the said Province in the country’s hand,”<sup>205</sup> and also voted, after comparing their laws with those of Parliament in regard to trade, that the Governor and Council should have power to “employ such persons in the severall ports as they shall see meete,” for the proper execution of the Acts of Navigation,<sup>206</sup> showing a determination to keep the execution of all laws concerning themselves in their own hands.

The Committee, still indignant at the conduct of Massachusetts, gave expression to their feelings at a meeting on June 19, saying, “Their Lo<sup>rs</sup> look upon the presumption of the Massachusetts in buying the Province of Maine, while

the

<sup>204</sup> *State Papers, Colonial, Entry Book* 106, p. 8. Agents return home, &c., 20 May, 1679, *post*.

The General Court on May 28th ordered the 2<sup>d</sup> Thurday of July to be a day of humiliation on account “of the darke clouds impending over the English nation, to entreate the Lord to continue our liberties, civil & sacred, and

to return the agents in due time.” See *Massachusetts Records*, Vol. V. p. 221.

<sup>205</sup> *Massachusetts Archives*, Vol. III. p. 335. Maine not to be sold, 28 May, 1679; also *Massachusetts Records*, Vol. V. p. 226.

<sup>206</sup> *Massachusetts Archives*, Vol. LXI. p. 183, 11th of June, 1679; also in *Massachusetts Records*, Vol. V. p. 236, under date of May 30.

the Complaints of M<sup>r</sup> Gorges were under consideration, to bee of such evil Consequence, that they agree to Report that, upon reimbursement of what shall appear to have been paid for the same, that Colony bee obliged to make a Surrender of all Deeds and Writings thereof into His Ma<sup>ts</sup> hands." At the same meeting they expressed the opinion that the report allowing members of all denominations to be eligible to the magistracy should be amended so as to exclude Papists, and they also reported in favor of a reward for Mr. Randolph for his services and long attendance.<sup>207</sup> The reward granted to Randolph was approved of by the King, amounting to £175, being his salary computed from 10 September, 1676, to 12 June, 1678, "from which time hee has been already paid in considera~~cō~~n of his said Office in New England."<sup>208</sup>

The suggestions made by the Committee were approved of by an Order in Council, the King being present, on June 20th, and a royal letter prepared to be carried to Massachussets by the returning agents, in which the King takes new ground against the Colony, saying that "since the Charter, by its frame and contents, was originally to be executed in this Kingdome and not in New England, otherwise then by deputation (as is accordingly practised in all other charters of like nature) 't is not possible to establish that perfect settlement wee so much desire, until these things are better understood"; pleasure is expressed that the oath of Allegiance was taken by the colonists so readily, "which is a clear manifestation to us that the unanswerable defect in that particular

<sup>207</sup> *State Papers, Colonial, Entry Book* 106, p. 21. Report approved with certain amendments, 19 June, 1679, *post.* <sup>208</sup> *Ibid.*, 60, p. 359. Concerning Randolph's salary, 20 June, 1679, *post.*

ticular was but the fault of a very few in power," leading to the expectation that the commands will also be complied with, regarding the eligibility of members of the Church of England to magistracy, the qualification of freemen, and the proper execution of the laws of trade, for which Edward Randolph has been appointed collector, surveyor and searcher under the broad seal of England, " recommending him to your help and assistance in all things that may be requisite in the discharge of his trust; there is one thing which wee cannot omit to let you know wee are surprized at, which is, that during the time wee had the complaints of Mr. Gorges under our consideration, you should presume, without asking our royall permission, to purchase his interest in the province of Maine, the truth whereof is but lately owned by your agents, and wee do expect upon reimbursement of what has been paid that there be a surrender of all deeds and writings into our hands to be brought over by your future agents, as wee were sometime in treaty for the said province, and do disapprove of what you have done therein," and, as for New Hampshire, the government is to rest in the King's hands.<sup>209</sup> The letter was transmitted to the agents on August 9, while four letters directed to the Governors of the colonies of New England, requiring them to return an account of the state of their governments, and

directing

<sup>209</sup> *Massachusetts Historical Society* *MS. A. 1. 1. 2. 52* (138); also *Jenness' Transcripts*, *Fourth Series*, Vol. II. *scripts*, p. 83. Robert Mafon writes, after speaking of the sale of Maine: "ouvertures have also been lately made to me for my province by the Massachusetts colony, but declined, as I expect

Mr. Mafon had written to the King 25 March, 1678, that Gorges had sold Maine, see *State Papers, Colonial, Bunc-*

directing the colony of New Plymouth to send a copy of their patent, were given to Mr. Randolph. Upon his informing the Committee that he was ready to depart, they notified him that the instructions formerly given were to be observed "as far as they sute with the present constitution of affaires in those parts."<sup>210</sup> Before his departure, the legal advice was asked of the Attorney General, Sir William Jones, in regard to the validity of the Massachusetts charter and the grants made to Captain John Mason. The opinion of the Attorney General coincided with that previously given by the Lords Chief Justices, that the patent of the Massachusetts colony carried with it the power of government, and of making laws not repugnant to those of England, on the faith of which the planters had transported themselves across the Atlantic, purchasing the lands possessed by the natives; that Mr. Mason had no right to the government of New Hampshire, and his claim to the soil must be tried on the spot by local courts, or courts erected by the King."<sup>211</sup>

Although Randolph signed on September 25th a receipt<sup>212</sup> for the letters addressed to the Governors of Connecticut

<sup>210</sup> *State Papers, Colonial, Entry Book* 106, p. 68. Randolph's departure, under date of 30 July, 1679, *post.*

<sup>211</sup> *History of Massachusetts Bay*, by T. Hutchinson, 1765, Vol. I. p. 315. Opinion of Sir William Jones, Attorney General, 18 September, 1679. In this opinion all the grants are fully reviewed.

<sup>212</sup> *State Papers, Colonial, Bundle* 53 (181). Receipt of Randolph, 25 September, 1679, *post.*

The portrait, the royal arms, the seal and pres were placed by Randolph on

board a New England vessel, which never reached its destination. "Thus New Hampshire was deprived of those memorials of royalty." See *Historical Papers* of C. W. Tuttle, p. 192. Randolph's Narrative in *Massachusetts Archives*, Vol. CXXVII. pp. 218-220. "I shipped, 29 October, 1679, all my goods and household stufle of a confiderable value upon a vessell belonging to New England, and are lost at sea, together with his late Majesties portrait and Royal Armes sent to N. Hampshire."

necticut, Rhode Island, Plymouth, and Massachusetts, four commissions for swearing them to observe the A&ts of Navigation, a commission for the Governor of New Hampshire, the late King's portrait, the royal arms and seal for that province, and received next day another letter for Governor Winflow of Plymouth, in which Secretary Coventry says: "I pray receive M<sup>r</sup> Randolph Civilly as a person the King beleeveth very well of,"<sup>213</sup> he did not sail until the end of October, arriving in New York on December the 7th. On his way eastward he took possession of the Narragansett country for the King, visiting Connecticut, Rhode Island, Plymouth, Boston, and finally reaching Portsmouth, his destination, on the 27<sup>th</sup>.<sup>214</sup> Three days later, on the 30th of December, he delivered to Mr. John Cutts, whom he describes as old and infirm, but just and honest, and "cast out of all Publick Employment by the Government of Boston," the royal commission constituting him President of the Province of New Hampshire. The task of settling the province was, however,

<sup>213</sup> *State Papers, Colonial, Bundle 53 (151).* To the Govr of N. Plimouth in answr to one of ye 1 of July. 26 September, 1679, *post.*

<sup>214</sup> Manuscript letter of Major William Bradford to John Cotton, belonging to the *Cotton Papers*, Part VIII. p. 15, in the Boston Public Library, dated 20 December, 1679, in which is said, Mr. Randolph "is gon to Boston this day and hath taken possession of Narraganset for his Majestes provence, as he came a long, and visted Rhoad Island and is bound farther, as he faith, for the Easterne parts, and especilly to settle mr Mason's interest, whom he looks for over in the springe . . . he brought a

large Commission that impowers certaine select men of our Colonyes with our councill to swear o<sup>r</sup> Governour to be true to an A&t made aboute promoting of sea afaires . . . he makes speed to Boston (where I think he will be little welcomed) to settle his Majesties Commands before the messengers come."

*Connecticut Colonial Records*, Vol. III. p. 308. Letter of Governor and Council to Commissioners of Customs, Jan. 24, 1680, speaks of Randolph being lately in that colony. "We shall be ready to grant Mr. Randolph such necessary ayd and assistance as shall be requisite, unto whome we have shewed civility according to our capacitie."

ever, more difficult than it was supposed would be the case, as Mr. Waldern and Mr. Martin named in the commission obstructed the execution of it, misrepresenting the King's orders, while "the Church Party oppose and abuse the honest Party by false Reports; Great endeavours had been used to disappoint His Ma<sup>ties</sup> Comission, The Govern<sup>t</sup> of Boston privately giving all assistance and encouragem<sup>t</sup> to withstand it, promising to defend Their mutinies at the Councill Chamber when Their Agents shall attend His Ma<sup>v</sup>, but the Presid<sup>t</sup> and Council had at length taken the Oath of Allegiance & supremacy and enter'd upon the Exec<sup>on</sup> of His Ma<sup>ties</sup> Comission confirming all military & civill officers till further care should be taken."<sup>215</sup> In his letter to Governor Josiah Winslow, of Plymouth, dated from Boston, 29 Janu-  
ary, 1679-80, having reached there the day before, after a short stay at Salem, he writes that he remained in New Hampshire from the 27th of December to the 22d of January, "all little enough to get that part of the country to accept of his Maj<sup>ties</sup> authority," as several of the new Council own large tracts granted by Mr. Mason, or had been sworn to the government of Boston, although the people generally are satisfied with the royal commission. "At first, only Mr. Cutts and an other, accepted, and would proceed; whose resolute instructions brought in the other five, viz. Martin, Vaughan, Danniell, Hussey and Waldern, very much against

<sup>215</sup> *State Papers, Colonial, Bundle 53 (212).* Abstract of letters received from Mr. Randolph, of various dates, from 4 January to 14 February inclusive, post.

"His Majesties Government declared and owned in the Province of New Hampshire," 15 January, 1679-80, Randolph's Narrative in *Massachusetts Archives*, Vol. CXXVII. pp. 218-220.

against the expectation of his party here in this town. This very much startles the government here." He then regrets he is unable to go to Plymouth, as he had intended, on account of the meeting, in a few days, of the General Court; the news from home is excellent, the Court party in the ascendency, the Duke and Duchess of York having returned to England from Flanders, the Duke of Monmouth reconciled to his father, the King, and an invitation to dinner had been given to the King and Duke from "the lieutenancy of the city, who came in a great body to Whitehall; the Lord Mayor being their mouth, made a very acceptable speech to the King and Duke. So that God assisting, all things look very pleasing at home." He urges the Governor to repair to London in order to counteract the efforts of Mr. Crown, who had petitioned for the lands at Mount Hope conquered in King Philip's war, which were in dispute, but particularly, "considering the necessity there is of renewing your charter, you can never do your colony greater service than to appear yourself at Whitehall. I know not yet but I may wait upon you to England, intending to be where I may be most serviceable to his Majesty's affairs. I am received at Boston more like a spy, than one of His Majesty's servants. They kept a day of thanks for the return of their agents; but have prepared a welcome for me, by a paper of scandalous verses,<sup>216</sup> all persons taking liberty to abuse me in their discourses, of which I take the more notice, because it so much reflects upon my master,

<sup>216</sup> For the Verses see *Farmer and Moore's Historical Collections*, Vol. III. p. 30, *post.*

who will not forget it. I intend upon the first vacancy, to wait upon you, having more to communicate than is, at this time, fit to trust to paper.”<sup>217</sup>

In his letters to the Committee he reports that the inhabitants of Boston murmur at the great expense of their late agents in England, some computing they spent nearly four thousand pounds, while the people of Maine complain bitterly that in the late Indian war they suffered more mischief “from the cowardice and inadvertency of their Church-member officers than from the cruelty of the Indians themselves”; besides, the Boston government had levied a tax on the towns of Kittery, York and Wells, amounting to more than three thousand pounds; in their discourse with him some of the inhabitants have offered to advance as much money as Massachusets had paid to buy back their province, provided they could have a separate government, a petition having already gone to the King “complaining that they are barter’d and sold from man to man like Slaves in Algiers.” As for the Massachusets people, “they are now acting as high as ever,” notwithstanding the protestations of duty and obedience so often uttered by their agents; they continue to collect customs and coin money; they have not seized a single ship for irregular trading, although they have laws to prevent it; “it is in every man’s mouth that they are not Subject to the Laws of England, neither are they of any force till confirmed by their authority”; wherever he had travelled, except at New Plymouth, he had noticed

<sup>217</sup> *Massachusetts Historical Society Collections, Second Series*, Vol. VI. p. 92. Randolph’s letter to Governor Jofiah Winflow, relative to his proceedings at Piscataqua, Boston, 29 January, 1679-80, *post.*

noticed that the people were very unsettled, contending about lands and boundaries; hardly one child had been baptiz'd in the whole colony of Rhode Island, none lately in Maine, and few only in the other colonies, therefore nothing will be more welcome than the King's letter enjoining only the oath of allegiance as a qualification to the magistracy, and that all children be admitted to baptism; "there is an absolute necessity of Erecting a Great Councill chos'en out of the chiefest & best of every Colony, with a President to which men may appeale from the severall Judicatures of Each Colony, else They will never be quiet, nor then long till His Ma<sup>t</sup>y send over a Generall Govern<sup>r</sup>"; a Court of Admiralty ought also to be established, as prizes are being brought into port, and several privateers have sailed for the West Indies; "the Merchants of Boston perswade themselves that upon their paying 1<sup>d</sup> p p<sup>d</sup> for Tobacco at Virginia, &c., They have liberty to carry it whether They please, and will make shortly Proposals to His Ma<sup>t</sup>y about Trade; the contentions of the rival parties concerning the jurisdiction over the Narraganset country are so great that it would be better to establish a distinct government there." Lastly, he makes a request to the Lords for some allowance for his extraordinary expenses, which are very great in the King's service.<sup>218</sup>

The establishment of a president by royal authority in the bordering province of New Hampshire was followed almost immediately

<sup>218</sup> *State Papers, Colonial, Bundle 53 (212), post.*  
The General Court voted £150 to William Stoughton and to Peter Bulkley, "as a small retribution for their services" in England. See *Massachusetts Records*, Vol. V. p. 263, 4 February, 1679-80.

immediately by the appointment of a president for the province of Maine by the Massachusetts authorities, they not waiting to see what would be the result of the proposed demand for the surrender of the province into the King's hands upon reimbursement of what had been paid.<sup>219</sup> Although successful in New Hampshire, Randolph did not succeed in persuading Governor Leverett to take the oath to execute the A&t of Navigation, the commission to exact the oath encroaching apparently on the chartered rights of Massachusetts.<sup>220</sup> However, the General Court passed an order on February 7th empowering one of the Council to administer the oath.<sup>221</sup> On the 11th he writes to the Committee, desiring "that His Comission for swearing the Governo<sup>r</sup> of Boston may be restored to him again," and stating that it would be impossible for him to execute the Acts of Trade unless his authority should be granted under the Great Seal of England, and not come merely from the Custom House officials; besides there ought to be an order of Council prohibiting any vessel passing Boston castle, or entering into

<sup>219</sup> *Massachusetts Records*, Vol. V. p. 263. Government to be settled in the Province of Maine 4 February, 1679-80, "appointing a president, w<sup>th</sup> justices of the peace & other officers, as is directed in M<sup>r</sup> Gorges patent." Thomas Danforth, Deputy Governor of Massachusetts, was made President of Maine.

<sup>220</sup> *Massachusetts Bay*, by T. Hutchinson, 2d edition, Vol. I. p. 330. "Randolph brought with him also a commission to divers persons, himself at the head of them, to administer an oath to the governor faithfully to execute the oath required by the Act of Trade. The

Governor, Mr. Leveret, did not take the oath in consequence of that commission." The commissioners were Edward Randolph, Thomas Savage, William Taylor, George Corwin, Sr., Thomas Brattle, Thomas Deane, James Whetcomb, Richard Wharton, John Richards, Humphrey Warren, Thomas Kellond, John Hubbard, Humphrey Davy, and Samuel Moseley, together with the members of the Council for the time being.

<sup>221</sup> *Massachusetts Archives*, Vol. LXI. p. 207. Order as to oaths concerning Navigation and Trade, 7 February, 1679-80.

into any of the ports of England or the western plantations without his certificate of clearing; that "His Ma<sup>t</sup>y may if he please make short work by bringing a Quo Warranto ag<sup>t</sup> them, and then they will beg that on their knees w<sup>ch</sup> now they will not thank His Ma<sup>t</sup>y for; there was certainly more difficulty in the commission of New Hampshire than in a Quo Warranto"; a public act ought to be passed or a printed declaration issued to convince the colonists that they must obey the King's commands without waiting for the sanction of their own government, the General Court "having done nothing, he hears, as to His Ma<sup>ties</sup> letters"; the inhabitants of Dover and Portsmouth have not taken the Oath of Allegiance, as they were ordered; "there are thousands in all parts unbaptized"; in addition to some extraordinary allowance for his winter travels, he begs he may be made Collector for life.<sup>222</sup>

For the purpose of aiding Mr. Randolph in the discharge of his official duties, Simon Bradstreet, the acting Governor, Mr. Leverett dying on the 16th of March,<sup>223</sup> issued an order on the 9th that the constables of the neighboring counties should lend assistance to the royal Collector, and even impress boats for him in case of necessity,<sup>224</sup> but this order was obeyed very reluctantly.

Although

<sup>222</sup> *State Papers, Colonial, Bundle 53* (208). Abstract of Letters from M<sup>r</sup> Randolph, from 5-25 February, 1679-80, post.

<sup>223</sup> *Massachusetts Historical Society Collections, Second Series*, Vol. VIII. p. 44. Order of March at the funeral of Governor Leverett, 25 March, 1679-80. His helmet, gauntlets, spurs, etc., were carried in the procession by gentlemen,

his horse being led by Capt. William Gerrish. Mr. Bradstreet became Deputy Governor on 21 October, 1678, by special election, after the death of Samuel Symonds.

<sup>224</sup> *Massachusetts Archives*, Vol. LXI. p. 209. Order relative to Edward Randolph, as Collector, 9 March, 1679-80, post.

Although Thomas Danforth had taken possession of Maine as President of the Province, there was doubt among the inhabitants as to the rightful government over them, the King having protested against the action of the Massachusetts colony. A Declaration was therefore issued, signed by fifty-six inhabitants, making known "our dissent & non-concurrence in any such method of Governm<sup>t</sup> as by them is intended to be settled untill His Maj<sup>ties</sup> pleasure be farther known, to whome our Allegiance is due." <sup>225</sup> While this expression of dissatisfaction came from Maine, a communication was received from New Hampshire thanking in strong terms the colony of Massachusetts for "your great Care for us & Kindnes towards us while wee dwelt under your shadow; wee should have heartily rejoiced if it had seemed good to the Lord & his maj<sup>ty</sup> to have setled us in the same capacity as formerly," and not caused a separation.<sup>226</sup>

Although the magistrates had given orders that Randolph should be aided in carrying out his instructions, obstacles were placed in his way and rebuffs given which were extremely annoying. Governor Bradstreet speaks of the complaints made to him by Randolph of the affronts he has suffered, "which would have bene feverely anymadverted upon could the persons offending have bene knowne. It is true  
the

<sup>225</sup> *Massachusetts Archives*, Vol. III. p. 341. Declaration of inhabitants of Maine against the jurisdiction of Massachusetts. This declaration was delivered to M<sup>r</sup> Thomas Danforth, sent over by the Govern<sup>r</sup> & Councill of Boston as their President of the Province of Maine sitting then in Court at York, in the said

Province, upon the 18th of March, 1679[80].

<sup>226</sup> *Massachusetts Records*, Vol. V. p. 280. Letter of President Cutts of New Hampshire to the General Court, dated at Portsmouth, 25 March, 1680, signed by John Cutt, President, w<sup>th</sup> the consent of the Council and Generall Assembly.

the people here shew him lyttle respect, or good affecon, because they generally looke att him as one that beares noe good will to the country, but fought the ruin of it, by being a meanes and instrument highly to incense his ma'tie and y'r honers against this poore place, and people ; he hath bene very active and diligent since he came hither, and hath had as much helpe and assistance from myselfe as I was able to afford, or hee in reason could desire, yet I doe not heare that hee hath mett with any forfeits in this place, that hee hath seene cause to bring to tryall." <sup>227</sup> The last statement was not in accordance with the facts as given by Randolph, who had seized on the 15th of May a pink [small vessel so named] called the "Expectation," of Boston, which had imported goods directly from Ireland. Upon trial the jury cleared the vessel ; when a suit was brought immediately against Randolph for damages to the amount of £800, and he not finding any one willing to give bail for him, would probably have been sent to jail, if the Governor had not interceded and allowed him to give his own bond. In the suit against the vessel, "they would admitt me in noe other capacity than an Informer, tho' I produced my deputation and instructions ; they are determined by some meanes either to imprison or force me out of this Towne," for several vessels have already arrived, and "three or four more expected from Holland, France and Bilbo [Bilboa]. I desired the Magistrates to assigne me an Attorney or Sollicitor to assist me in case any matter should arise in the practice of their

<sup>227</sup> *Massachusetts Historical Society Collections, Third Series, Vol. VII. p. 331.* Letter of Governor Simon

Bradstreet to the Lords of the Committee for Trade and Foreign Plantations, 18 May, 1680.

their Courts in which I am not acquainted, but that was denied: I verily expect let me make what defence I can and prove the matter of fact never soe clearly, to be cast; every one appearing for me being accounted an Enemy to this Countrey." Randolph was beset with difficulties and threatened with violence. His servant, placed to watch a warehouse, while the marshal or constable was being called to aid in making a search, was set upon and beaten by several persons, and the suspected goods removed to another place. The deputy he appointed for Boston and Charlestown "was warned with his Family out of doors, by some of their Townes men, who are traders and men in publick Authority," while Randolph himself, although accompanied by the marshal and six men, was threatened "to be knocked on the head" in attempting to seize a vessel, which was towed away while he was on his return to report the case to the Governor. "All this proceeds, as they confess to me, not from any aversnes or dislike to me, but onely because I am come upon such an unwelcome errand soe destructive to their priviledge and interest." Massachusetts seemed to him to be the only disobedient and unruly colony; "in all other Colonyes I am treated with great respect whither I intend to goe as well for my Security, as alsoe to settle deputyes." Not having received any letters from the Commissioners of Customs, he wrote to them, "if I heare not by Mi<sup>c</sup>h [Michaelmas] I think it best to make a trip home, having my children to take care of and to sollicite the dispatch of such things which may enable me by next Spring to deale in another manner with these lawles<sup>s</sup> traders, who about that time will be returning home. And for his Ma<sup>w</sup> to write

write more letters will signify no more than a London Gazett; the Newes of trouble at home gives encouragement to the faction here who oppose the Gov<sup>r</sup> as well as myselfe. I am unwilling to exposē my life to the rage of a deluded Multitude who under pretence of great priviledge from the King take liberty to oppose his Royall authority. I send this by M<sup>r</sup> James Bollen, Sēc̄ry of New Jarsey, not knowing but this may be the last from me, not finding whom to trust with my Letters. I have done and acted as far as I or any man durst act; not but that my power is good, but it is not soe beleived here. I know well the cause and the remedy of this Distemper, and question not but in a short time to see things here better composed. I hope some of the many Letters I have wrote are come safe to your hands.”<sup>228</sup> Two days later he wrote again to the Commissioners of Customs, giving an account of the trial the previous day, and of the charge by the Court to the jury that Mr. Dudley,<sup>229</sup> having been appointed by the Governor, was the proper officer to receive entry of vessells, that some of the laws of trade did not relate to the colony, that they were not sufficiently published, and that the Commissioners of the Customs have no power to depute an officer to act in Massachusetts. To this Randolph replies: “now Dudley’s place is to receive Entryes of such goods as by their own Lawes are directed to pay 1 penny in the pound towards defraying publick Country charges

<sup>228</sup> *State Papers, Colonial, Bundle 53* (281). Randolph to Committee of Customs, 7 June, 1680, received by the Commissioners of Customs, 10th of August, *post.*

<sup>229</sup> Mr. Paul Dudley was made Col-

lector for Boston and Charlestown, for receiving the tax of one shilling a ton for certain vessells above twelve tons’ burden, to be employed for the fortifications. See *Massachusetts Records*, Vol. V. p. 242, 15 October, 1679.

charges, and noe otherwise, soe that Grecian's, [master of the Expectation] entring with him was onely to satisfy the Law of the Country, but for all this the Jury consisting of either Merchants or M<sup>rs</sup> of Ships leap'd over all, and found for the Defendant." This decision, by not acknowledging the validity of his authority as Collector, must have been irritating to Randolph, while it exposed him to legal attacks, the protection afforded by his commission not being recognized. "I expect hourely to have my person seized & cast into prison; I know not how to pres<sup>s</sup> any man to be bound for me, & having mett with soe great a los<sup>s</sup> upon my coming over, am not in a condition to raise soe much money. I have onely one way left, that is to draw a Bill upon yo<sup>r</sup> Hon<sup>rs</sup> (if they will accept it), which I desire may be paid, Except some other course in the meane time be taken to secure my person and liberty, till a further determination be had of this matter." He then speaks of a vessel laden with tobacco from Maryland, bound for Ireland, which he had seized on the 16th of March in the river Piscataqua, but which had been freed by the jury, and adds that when there is no proper rehearing of such cases, "the clearest forfeiture if tryed by partyes concerned will escape." Having been repulsed several times in attempting to board vessels, he asks if he cannot make a forcible entrance, "else its impossible to aboard any but empty hulls. Great care is to be had that noe vessells pass the Castle till I have visited them and certified the same to the Gov<sup>r</sup>; but of that when further power is sent hither upon an assuranc<sup>e</sup> of future subjection."<sup>230</sup>

The

<sup>230</sup> *State Papers, Colonial, Bundle* Commissioners of Customs, 10 August, 53 (283). Randolph to Committee of post. Customs, 9 June, 1680, received by the

The stubborn resistance met with made it clear to Randolph that the colonists must in some way be made more obedient to the royal commands and the acts of Parliament. How this was to be done was a question difficult of solution. At the suggestion of Randolph,<sup>231</sup> the Committee of Trade and Plantations "ordered that a draught of Letters bee prepared to bee presented in Council for His Maj<sup>tys</sup> Signature directing the several Colonies to take the Oath of Allegiance and to observe such Rules for the making of ffreemen and Magistrates as are enjoyned by His Ma<sup>tys</sup> last letter to the Massachusettts."<sup>232</sup> To systematize the collection of a royal revenue from the American colonies the office of "Surveyor and Auditor General of all our revenues arising in America" was established the 19th of May, 1680, Mr. William Blathwayt,—or Blathwait, as the name is sometimes written—being appointed to the office with power to select deputies, but his functions were not to interfere with the duties of the Commissioners of Customs. The grant to Mr. Blathwayt was, at the request of Mr. Randolph, entered in the records of the colony.<sup>233</sup>

In obedience to the King's commands, Randolph prepared a summary of accusations against Massachusettts, called a  
"Representation

<sup>231</sup> *State Papers, Colonial, Entry Book* 106, p. 169. Randolph proposes all colonies take Oath of Allegiance, 27 April, 1680, *post.*

<sup>232</sup> *Ibid.*, 106, p. 177. All Colonies to take Oath of Allegiance, &c., 14 June, 1680, *post.*

<sup>233</sup> *Massachusetts Records*, Vol. V. p. 521. Grant to William Blathwayt, Esq. His salary was to be £500, taken from the receipts of Virginia and the West India Islands; he was not "to in-

termeddle with the customes, imports or duties on goods imported into England from the American plantations, or goods transported from one plantation to another pursuant to an Act of Parliament made in the 25th yeare of our reigne." This was recorded by Edward Rawfon, Secretary, who attests that the broad Seal of England in yellow wax was annexed. Rawfon was deputy from Newbury for several years before being made Secretary of the Colony.

"Representation of the Bostoners," in which he repeats what he had already said in his previous communications,—that they are "usurpers," having no right either to land or government, that they have formed themselves into a commonwealth, denying all appeals to England, they coin money, and have put the King's subjects to death for religion, and violate all the Acts of Trade and Navigation.<sup>234</sup>

In the meantime the General Court wrote to the Earl of Sunderland, who had become one of the Secretaries of State, on May 22,<sup>235</sup> and again on June 11,<sup>236</sup> saying that orders had been given to increase the number of Assistants, in accordance with the King's wishes, to make all military commissions to run in his name, to administer the oath of Allegiance to all officials, that all commissions for governing New Hampshire had been recalled, and the governor had taken the oath for executing the laws of trade, but all other subjects to be considered had been postponed for the present.<sup>237</sup> As for the accusation of their enemies that they had laid "a severe hand" on the King's subjects in Maine, it was not true. In the defence of that province they had spent several thousand pounds and sacrificed many lives, and, it having been "offered for sale to many" for a year, they thought it best to make the purchase, partly to reimburse themselves, and partly for their protection and the quiet of the inhabitants,

who

<sup>234</sup> *Hutchinson's Collection of Papers*, Prince Society, Vol. II. p. 264. Mr. Randolph's Representation of the Bostoners 1680, *post.*

<sup>235</sup> *Massachusetts Records*, Vol. V. p. 270.

<sup>236</sup> *Ibid.*, Vol. V. p. 287.

<sup>237</sup> The reason given for not taking action at the last session was "the extremity of the season," preventing a full attendance of members, and at the present session, up to May 22, there was not sufficient time "by reason of the sudden departure of the ship."

who by their address to the King show their desire to live under the government of Massachusetts.<sup>238</sup> "Wee are heartily sorry that any actings of ours should be displeasing to his Majesty." A committee had been selected to amend the laws that may be found to be repugnant to those of England, "which wee hope in a short time will be effected."<sup>239</sup> Concerning the accusation that liberty of conscience was denied, "wee must acknowledge that a chiefe designe of our ffathers & predeceffors, in their coming over hither, was to enjoy a freedome in the matters of religious worship, accounting all the losses, hazards, difficulties, & great labours of so vast a transporation & of their first planting a wildernes, not to deare a price for the same." We do not suppose that the King wishes liberty of worship granted to the Quakers,<sup>240</sup> and

<sup>238</sup> *Massachusetts Archives*, Vol. III. p. 343. Address of the General Assembly of Maine to the King, 30 June, 1680, speaks of "the Massachusets Colony, who in the time of our distretcs did not spare any expense of blood or trea-  
ture for our defence and safety, without whose help and assistance this yo<sup>r</sup> Ma<sup>ts</sup> Province had been at this day utterly laid waste and defolate, they have never received of us one penny tax either in y<sup>e</sup> time of peace or Warr except what was to be distributed among y<sup>e</sup> Inhabitants of our owne Province for equalizing of y<sup>e</sup> Burthen of this Warr. We judged it our duty to represent to yo<sup>r</sup> Ma<sup>ty</sup> that what in us Lyes we might prevent y<sup>e</sup> injury w<sup>ch</sup> such false accusations of our friends may do to us and them. We desire to have this our settlement continued to us."

Mr. Gorges had offered 24 February, 1675-6, to sell to the King the Province of Maine for £11,000. See *Sir Ferdinand*

*and Gorges*, by J. P. Baxter, Prince Society, Vol. II. p. 213.

<sup>239</sup> *Massachusetts Records*, Vol. V. p. 268.

<sup>240</sup> The Quakers were then persecuted in England.

In *Massachusetts Records*, Vol. V. p. 271, under date of May 22, 1680, is found the Court's censure of the anabaptists, prohibiting them "as a society of themselves, or joyned with others, to meet in that publick place they have built, or any other publick house, except such as are allowed by lawfull authoritie."

*Ibid.*, Vol. V. p. 287, "to desire to serve God in the way of the Church of England is no part of that heretodoxy in religion, w<sup>ch</sup> our present law concerning admision of freemen doth provide against."

The clause in the charter respecting admision of freemen is as follows: the Company "shall have full power and authoritie

and others who preach notorious errors. Those who "desire to serve God in the way of the Church of England" we do not consider heterodox. The law regulating the admission of freemen was changed in obedience to his Majesty's pleasure, "although wee humbly conceive our Charter doeth expressly give us absolute & free choyce of our owne members." Other agents have not been sent to England, it being very difficult to find any suitable person willing to run the risk of capture by Turkish pirates, five or six vesseſ having been already seized by them, and "many of our inhabitants continuing at this day in miserable captivity amongst them"; the cost must also be considered, the colony still laboring under the burdens of the late Indian war, and suffering from the effects of a disastrous fire in Boston. Besides, we understand that the King and the Privy Council are still busy with the prosecution of the Popish plot, which is a "matter of farr greater importance." We return our most humble thanks to his Majesty for "his gratiouſ inclination to have all o<sup>r</sup> past erro<sup>r</sup>s and mistakes forgotten, and our condition ſo amended that neither our ſetlement nor the mindes of his good ſubjects here might be shaken, upon the complaints of thoſe that ſeeke our diſquiet."

The neglect to ſend agents to England was taken advantage of by Mr. Maſon to ſtimulate the animosity of the King againſt Maſſachusetts by ſaying that "the time of their appearance has long ſince elapſed, that Government building their hopes that ſome disturbance here or warrs abroad will divert

authoritie to choose, nominate, and appointe ſuch and ſoe many others as they ſhall thinke fit, and that ſhall be willing to accept the ſame, to be free of the ſaid Company and Body, and them into the fame to admitt."

divert his Maj<sup>ty</sup> from looking towards them, being the occasion of this their high contempt of his Maj<sup>ty's</sup> commands according to the long continued maxim of that people." He then prays that as he is going shortly to New England he "may not any longer be kept out of his inheritance (which his Ancestors have purchased at soe dear a rate) by the injustice, violence and delayes of his Adversaries, Chiefly occasioned by his adhering to the Crown and refusall to Submit to their Governm<sup>t</sup>."<sup>241</sup> The Committee having received Mr. Mason's petition, and having observed that the President and Council of New Hampshire had "neglected to returne an account of their proceedings, as their Commission particularly directs, agree to propose unto His Ma<sup>ty</sup> that some able person bee sent thither to officiate as Clerk of the Council and Sec<sup>rie</sup> of that Province who shall bee accountable to the Committee of all Publick Matters arising within that Province." The Committee at the same meeting threatened the Massachusets colony that Maine would be lost by forfeiture, if that province was not settled civilly and ecclesiastically according to Sir Ferdinando Gorges' grant, "whereby all the Powers and Authorities of ye Civill and Ecclesiastical Government are made subiect to the Commissioners of Foreign Plantations."<sup>242</sup> This was a demand that the Church of England should be established and protected in the dependent province by the Puritan colony. A

<sup>241</sup> *Transcripts of New Hampshire Documents*, by J. S. Jennefs, p. 85. The humble peticon of Robert Mason, Proprietor of the province of New Hampshire against ye Massachusets to the Committee of Trade and Plantations, received 6 August, 1680. In his petition he states that his Grandfather "did ex-

pend upward of 22,000 lb.," and that the Massachusets people still usurp some of his legal possessions.

<sup>242</sup> *State Papers, Colonial, Entry Book 106*, p. 188. Randolph's letter of complaint read, &c. 6 August, 1680, post.

A letter from the King followed, written in a sharp and positive tone, calling the excuses, offered by the magistrates for neglecting to appoint agents in the prescribed time, "insufficient pretences," commanding them on their allegiance to send them within three months after the receipt of the royal letter fully empowered to regulate the affairs of the Colony and to determine the claim of Mr. Mason to the land between the Merrimack and the Naumkeag rivers. In order that "royal justice" may be done, the magistrates are ordered to notify all the holders of land that they may send proof of their ownership, "such is the care and tenderness that we will always continue towards y<sup>ou</sup> and other our subjects by removeing those difficulties and mistakes that have arisen by the execution of the powers of your charter at such a distance from us, which by the first Intendment and present constitution thereof (as by the Charter appeares) has its naturall seate and Imediate Direction within our Kingdome of England, and that the due observance of all our Comands above mentioned may not be any longer pretended wee require y<sup>ou</sup> upon receipt hereof forthwith to call a Generall Court and therein to read these our letters and provide for our speedy satisffaction, in default whereof, we shall take the most effectuall meanes to procure the same."<sup>243</sup> Before any action was taken upon this letter, Randolph was busy in attempting to execute the duties of his office, but generally without success, the jury almost invariably deciding against him, although in one case a master of a ship was fined and imprisoned

<sup>243</sup> *Massachusetts Archives*, Vol. dated 30 September, 1680, read 4 January, 1680-1, post. CVI. p. 218. Letter from the King,

imprisoned for having fired "four shott" at the royal ensign.<sup>244</sup> While Randolph was endeavoring to oblige all masters of vessels to recognize his authority as Collector, the General Court passed an order, 27 October, 1680, that all outward bound vessels of more than twelve tons' burthen must obtain a permit from the Governor or some one appointed by him, the result of which would probably be a conflict of authority.<sup>245</sup>

The King's letter, having at length reached New England, Mr. Robert Mason being the bearer of it, was read

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<sup>244</sup> *State Papers, Colonial, Bundle 53* (206). A List of Severall Ships and Goods feized in his Ma<sup>ts</sup> name by Edward Randolph, his Ma<sup>ts</sup> Collector, &c., in Boston, Salem, Piscataqua and the province of Maine. 16 March, 1679-80 to 20 December, 1680, *post*.

*Massachusetts Records*, Vol. V. p. 298, under date of 13 October, 1680. Tobacco feized by Edward Randolph to be restored to the owner, *post*.

*Massachusetts Archives*, Vol. XXXIX. p. 680. Bill of cofts of John Huling against Edward Randolph for feizing his vessel, 24 October, 1680, *post*.

*Ibid.*, Vol. LXI. p. 219. Libel of Edward Randolph against the ship "Expedition," of Bristol, 24 December, 1680 [cleared by the jury], *post*. Joseph Dudley writes to Secretary Allyn, of Connecticut, 9 February, 1680-1. "Mr. Randolph, whom you so deeply complemented in your superscription, *et ex ungue leonem*, I guess at the inside, hath besides a power to govern your trade, an order to examine your Treasury & make you vomit up all deodands, escheats, felons' goods & fines upon penal laws, which will dismisse your county schooles, &c. I wish ye united Colonies could joynly agree in meet agents, nothing else will

prevent our utter ruine. Such generall agents might obtaine good reception, when singele despatches will be despised." See *Connecticut Colonial Records*, Vol. III. p. 311.

<sup>245</sup> *Massachusetts Archives*, Vol. LXI. p. 218. Order for outward bound vessels to obtain permits. "It is ordered by this Court and y<sup>e</sup> authority thereof, that henceforth it shall not be lawfull for any ship, sloop, ketch or vessell of more y<sup>n</sup> twelve tons' burthen, to saile out of any harbour or port within this Colonye or entartayne on board thereof any passeng<sup>r</sup> or passeng<sup>rs</sup>, or any servant or negroes aboard his or their vessell without y<sup>e</sup> pmitt of y<sup>e</sup> Govern<sup>r</sup> for y<sup>e</sup> time being, or such as he shall appoint to y<sup>t</sup> trust, under penalty of 20<sup>s</sup> fine to be paid by y<sup>t</sup> master or skipper of said ship, ketch, sloop, or vessell y<sup>t</sup> shall be convicted of transgression thereof, and shall also be liable to fatisfie double damages to any y<sup>t</sup> shall be injured thereby to be recovered by an accon of y<sup>e</sup> cafe.

The magists have past this their brethren the deputyes hereto consenting.

EDWARD RAWSON, Sec<sup>ty</sup>.

27 Octob<sup>r</sup>, 1680.

Consented to by the deputyes.

WILLIAM TORREY, Cleric."

4 January, 1680-1, before the General Court, which had been expressly called together by the Governor. A copy was made and sent to the magistrates of Essex county with orders that all tenants of land in that county claimed by Mr. Mason should assemble "w<sup>th</sup> all convenient speede" at Ipswich or Newbury. No progres was made in revising the laws which should be found to be repugnant to those of England, but the committee was instructed to make a report "at the next adjournment of this fession." The selection of agents to go to England was a matter of great difficulty, and more than a year elapsed before they were finally appointed, those originally chosen being unwilling to accept the unpleasant mission.<sup>246</sup>

The non-compliance with the King's wishes, the firing at the English flag, and the constant violation of the Acts of Trade, made it evident to Randolph, who had returned to England on March 15th, that strenuous measures must be taken with the refractory colonists. The most speedy means was to deprive the magistrates of their authority by a Quo Warranto and judgment vacating the charter, as had been done formerly in the case of Virginia, and was being done with the colony of Bermuda;<sup>247</sup> but the misdemeanors of those colonies were trivial, according to Randolph, compared with "the unparalleled misdemeanors & contempts, & even

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<sup>246</sup> *Massachusetts Records*, Vol. V. p. 303, 4 January, 12 January, and 16 March, 1680-1; 20 March and 23 March, 1681-2. The voting was "by papers." Mr. William Stoughton was urgently requested to accept the position, but persisted in declining.

<sup>247</sup> *Memorials of the Bermudas*, by Sir J. H. Lefroy, London, 1877-9, Vol. II. p. 477, etc. The first quo warranto against Bermuda was issued in Hilary term, 1680; the second in 1683. In 1684 verdict was given against the Charter.

in their daily arbitrary actings, amounting to no leffe than High Treason, to y<sup>e</sup> great oppression & dissatisfaction of y<sup>e</sup> people inhabiting under their Govm<sup>t</sup>. All the New England Colonies submit to the King's orders, except only y<sup>e</sup> Colony of y<sup>e</sup> Massachusets, who continually resist y<sup>r</sup> Ma<sup>ties</sup> Authority & have noe regard to y<sup>r</sup> Royall Commands." They have refused to publish the royal proclamation for the execution of the Acts of Trade, and deny all appeals to England, even in cases of seizure of vessels in which the King's officers have had to pay damages; they have neglected to send agents; they continue to coin money; they have converted to the use of the Colony fines and forfeitures due to the King for breach of penal laws, and have "lastly sett at liberty without any Processe at Law a Master of a Ship apprehended & legally committed to Goale for firing 4 great Guns in port at y<sup>r</sup> Ma<sup>ties</sup> Jack upon payment of ten pounds fine to y<sup>e</sup> use of y<sup>e</sup> Colony. The Pet<sup>r</sup> therefore humbly prays y<sup>r</sup> Ma<sup>tie</sup> in y<sup>e</sup> name & behalfe of those your Ma<sup>ties</sup> good subjects to direct y<sup>r</sup> Ma<sup>ties</sup> Attorney Gen<sup>ll</sup> to bring a Writt of Quo Warr<sup>to</sup> ag<sup>st</sup> y<sup>e</sup> Gov<sup>r</sup> & Corpora<sup>c</sup>on of y<sup>e</sup> Massachusets Bay in New Eng<sup>d</sup> (w<sup>ch</sup> y<sup>r</sup> Ma<sup>tie</sup> has never refused in like cases) for vacating their Patent, there being noe kind of doubt but y<sup>r</sup> Ma<sup>ties</sup> Writt will have its desired effect not only to y<sup>e</sup> great releife of y<sup>r</sup> Ma<sup>ties</sup> oppressed subjects & bringing y<sup>t</sup> Govm<sup>t</sup> under their due allegiance, but to y<sup>e</sup> certaine encrease of y<sup>r</sup> Ma<sup>ties</sup> Customs & Revenue here in England."<sup>248</sup> This petition of Randolph to the King was referred

<sup>248</sup> *State Papers, Colonial, Bundle 53* (216). Praying a Quo Warr<sup>to</sup> ag<sup>st</sup> the Governm<sup>t</sup> of ye Maffachufets read in

Council Ap. 6, 1681, and read at Com<sup>tee</sup> Ap. 9, post.

referred by the Council to the Committee of Trade and Plantations, with orders to make a report after examining the allegations. At the meeting of the Committee it was stated in addition to the other charges that the commanders of Massachusetts vessels carry the "King's Jack in the Main Top" without leave. Lord Culpepper,<sup>249</sup> who was present at the meeting, "acquaints the Committee that while he was in New England, hee did observe that the generality of the People in New England were very weary of y<sup>e</sup> Government of the Magistrats; but that the Magistrats alsoe were very averse to the Government of England,"<sup>250</sup> confirming Randolph's testimony. He also spoke so highly of Randolph's services that the Committee decided on the 16th to report that Randolph's salary should "bee doubled for his future encouragement," and they also expressed the opinion that there never would be a perfect settlement in New England until a General Governor should be sent over and maintained at the King's charge.<sup>251</sup> On the same day Randolph wrote to Sir Lionel Jenkins, one of the Secretaries of State, urging that the King should proceed legally to reduce the Massachusetts government, "by whose example the other plantations mutinie & are uneasy, & that the Correspondency & Combination, which to my knowledge is continued betwixt y<sup>e</sup> factious parties in both Englands may be utterly diffolved.

<sup>249</sup> *History of Virginia*, by Charles Campbell, 1860, p. 328, etc. Thomas, Lord Culpepper, appointed Governor of Virginia for life, 1675, not sworn to office in Virginia until 1680; dismissed 1684.

<sup>250</sup> *State Papers, Colonial, Entry*

*Book* 106, p. 256. Concerning coinings, ships and magistrates, 9 April, 1681, *post*.

<sup>251</sup> *State Papers, Colonial, Entry* *Book* 106, p. 260. Reports touching New Plymouth and Randolph, 16 April, 1681, *post*.

dissolved. That upon notice given of a *Quo Warr<sup>to</sup>* brought against them, his Ma<sup>tie</sup> be at the same tyme pleased by his Commission (like that of the province of New Hampshire carried over & executed by myselfe) to settle a temporary Gōm<sup>t</sup> in that colony, empowering severall of the Magistrates & other Gen<sup>i</sup> there inhabiting to take care to see justice duely administered to secure his Ma<sup>ties</sup> peace & themselves from foraine invafion, to reheare severall Causes upon seizures illegally given against his Ma<sup>tie</sup> & to see y<sup>e</sup> Acts of Trade be duely obſerved, & laſtly to take care of the Militia & to putt the Castle & forts into ſafe hands till a perfect ſettlement of that matter be determined." A printed declaration ought alſo to be ſent that liberty of conſcience is to be allowed, that all are to enjoy their legal rights and property, but that no money is to be raifed without the conſent of the King, except in caſes of neceſſity, like a foreign invasion or disturbance among the Indians, and that "Mr. Danforth Noell, Saltinſtall Sen: and M<sup>r</sup> Gidney magiſtrates (who entred y<sup>e</sup> Province of Maine lately with an armed force) be declared uncapable of publick truſt or Offices, and that they are bound to their good behaviour in 1000<sup>l</sup> bond. Of all this I queſtion not but to give his Ma<sup>tie</sup> a ſpeedy & effectual account, having obtained y<sup>e</sup> Settlem<sup>t</sup> of the province of New Hampshire by his Ma<sup>ties</sup> Commission, a matter of farr greater diſſiculty; the *Quo Warr<sup>to</sup>* will unhing their Governm<sup>t</sup> & prepare them to receive his Ma<sup>ties</sup> further pleaſure, ſaving withall both money & tyme. I have often in my paſters preſd the neceſſity of a Gen<sup>ii</sup> Gov<sup>r</sup> as abſolutely neceſſary for the hon<sup>r</sup> & ſervice of the Crown & the good & ſecurity of the whole plantation now cauſonized into ſmall Corporations

tions & Gōm<sup>ts</sup>, unable to defend themselves or releive their Neighbors; but in many respects I doe not looke upon this as the proper feason; besides should any force appear upon the coasts in order to reduce them to reason, before they have had a legall summons to make their defence It would discourage y<sup>e</sup> greatest & honest party upon y<sup>e</sup> place; but after a legall prosecution there will be noe need of force, for I believe they will not add rebellion to all their former Extravagances. Yet putt case they should not regularly comply, they will know and feare for what is already committed, That his Ma<sup>tie</sup> will put them out of his Protection, & command all y<sup>e</sup> Gov<sup>rs</sup> of his foraine plantations to seize their ships & drive them further to trade, without which they cannot at all subsist. As to the apprehensions of their joining with y<sup>e</sup> French they have so great a peique against them, that they want onely an opportunity to dispossesse them in Nova Scotia, Canada & New found Land." Besides the misdemeanors charged against the colonists, which, according to the law officers of the crown, are enough, if proved, to annul the charter, it may be added that a question arises whether the patent has not already been revoked by its having been transferred to New England contrary to the intent expressed in the docket.<sup>252</sup>

Being

<sup>252</sup> *State Papers, Colonial, Bundle 53 (5).* Randolph to Jenkins, 16 April, 1681, *post.*

Mr. Charles Deane says in a paper published in the *Massachusetts Historical Society Proceedings*, December, 1869, describing the process by which charters passed the Great Seal, that the docket appended to the Massachusetts charter states that the governing power of the Colony is to be in England. Prof.

Joel Parker, however, said that the Lord Commissioners, in their attempts to recover the charter, never urged the plea of illegal transference, and that such a plea only had its origin with Randolph more than thirty years after the charter was granted. Attorney-General Sawyer gave it as his opinion that by the second charter — that granted by Charles the First — "the Council may reside and act in New England."

Being doubtful as to the manner in which he ought to deal with New England juries, who bring in "Verdicts contrary to evidence and the Letter of the Law," and how he can best "hinder the illegall Trade of the Bostoners for the future," Randolph proposed certain questions to the Attorney-General for his opinion. To the question whether a new trial could be had upon the place, it was answered that in case the jury had been tampered with, or their verdict was directly contrary to evidence, there could be a new trial, although this was rarely done. To the other questions the Attorney-General gave very decided answers. The order of the colony requiring the payment of £10 for calling a special court for causes in which the King was concerned, was not valid, and all costs and damages levied against the King must be repaid. The colony has no right to take the fines and forfeitures upon breach of the Acts of Trade, one half of which ought to go to the King and the other half to the informer. The charter does not give "power to lay any impositions upon any not free of their Company, nor upon the Ships nor Goods that come thither from other Colonys. The colonies are bound by the Plantation Acts without formal notice, they being public laws. There is no question but the soveraignety remaining in the King, an Appeal doth lye to His Ma<sup>tie</sup> in Councill as from Jersey and Guernsey, but with Consideration had to the greater distance of the place, for it would bee an infinite vexation to allow a Latitude of Appealing. By the Charter of King James the Councill were to reside in England, but by the Patent 4 Car. I. they were made a Body Corporate and the Governm<sup>t</sup> vested in them, and they may reside and act in New England."

England."<sup>253</sup> The Committee through whom the questions and answers were transmitted reported to the King, "Wee have severall times mett and considered the State of yo<sup>r</sup> Ma<sup>ties</sup> affaires in New England, and are preparing to offer unto yo<sup>r</sup> Ma<sup>tie</sup> the most effectuall meanes to bring that part of your dominion under a fitt dependance upon the Crown And Wee have in order thereunto been attended by M<sup>r</sup> Edward Randolph Collector and Surveyor of yo<sup>r</sup> Ma<sup>ties</sup> Customes in those parts, who has taken great paines and run great hazards in the discharge of his Duty there, and is now returning thither with further power under the Great Seale of England to execute the trust repos'd in him. Wee humbly propose unto yo<sup>r</sup> Ma<sup>tie</sup> that to the salary of One hundred pounds which he now enjoys, there may be added the yearly Su<sup>m</sup>e of One hundred pounds more for his future encouragem<sup>t</sup> in the prosecution of that service, which cannot but redound to the encrease and security of yo<sup>r</sup> Ma<sup>ties</sup> Customes here in England."<sup>254</sup> The additional salary, which he hoped to obtain, and to which he seems to have been fairly entitled, was not settled at the time of his departure for New England.<sup>255</sup>

While the charter of Massachusetts was being vigorously attacked

<sup>253</sup> *State Papers, Colonial, Entry Book 61*, p. 120. Randolph's Queries: Anwers of Attorney-General: Randolph's salary. April-May, 1681, *post*. A portion is also given in *State Papers, Colonial, Bundle 53* (217), under date of 30 May, 1681, concerning Judicial proceedings against the Massachusetts.

<sup>254</sup> This was dated from the Council Chamber in Whitehall, 3<sup>d</sup> May, 1681.

<sup>255</sup> *Massachusetts Archives*, Vol. CXCVII. pp. 218-220. A short narrative of my proceedings and several voyages to and from New England to Whitehall during the time of my manageing his Ma<sup>ties</sup> affaires in N. England. "His Ma<sup>ties</sup> service requiring my speedy Returne to N. England, I was dispatched away and that addition not settled," *post*.

attacked in England, the General Court of the colony made some alterations in the laws, such as that against keeping Christmas, the putting Quakers to death upon their return after banishment; but others objected to by the Attorney-General were not amended.<sup>256</sup> A few days later they sent a letter to Sir Lionel Jenkins, saying they had "made a considerable progresse" towards amending the laws, but that they had been unable to induce any one to undertake the voyage to England, as agent of the colony, on account of the risk of capture by Algerine pirates, with the consequent high ransom that would be demanded.<sup>257</sup> In the mean time Mr. Mason went from Boston to New Hampshire, and upon presenting the commands of the King was admitted as member of the Council, and Mr. Chamberlain as Secretary, but the other members, although supposed to be loyal to the Crown, were not willing to admit Mr. Mason's claim to lands, which they said had been "wholly deserted by Capt. John Mason" many years before the Massachusetts government had extended their northerly line so as to include them. Mr. Mason threatens the poor people, and "further tels us and the people y<sup>t</sup> if we comply not w<sup>th</sup> him he will Immediately returne for England & reaffume his Governm<sup>t</sup>."<sup>258</sup>

The report of the Attorney-General sustained the views taken by Randolph. The forfeitures for breach of the Acts  
of

<sup>256</sup> *Massachusetts Records*, Vol. V. p. 321. Concerning the exceptions made by the attorney-general and Solicitor ag<sup>t</sup> of lawes, 27 May, 1681.

<sup>257</sup> *Ibid.*, Vol. V. p. 311. Letter of General Court to Sir Lionel Jenkins, 3 June, 1681.

<sup>258</sup> *Transcripts of New Hampshire*

*Documents*, by J. S. Jennefs, p. 100. From the Councill of N. Hamp<sup>s</sup> To the King's most Excellent Majesty 31 May 1681. "We have no hopes of being able so much as live under such Impositions as are inevitable under such a Proprietor. Such is the affecting cry of yo<sup>r</sup> Maj<sup>t</sup>s poor distressed subjects."

of Trade must be paid to the King. If that is not done, and the colonists do not comply with the other requirements, " His Ma<sup>t</sup>y will proceed to question their Charter by a Quo Warranto in Hillary Terme next. In the mean time M<sup>r</sup> Randolph is ordered to lodge his Appeals against the proceedings of the Bostoners upon the Seizures made by him, and their Lo<sup>ps</sup> will report that summons bee iffued out to the persons concerned therein to attend in a competent time." <sup>259</sup> Mr. Mason being unsuccessful in his efforts in New Hampshire, a narrative of the proceedings of the Council of that province was presented to the Committee for Trade and Plantations, evidently written by Randolph, his object being to place the government actually in the hands of the King, preparing the way for the appointment of a royal general governor over the whole of the New England colonies.<sup>260</sup>

Preparatory to his return to Massachusetts Randolph was made on October 15th, by Mr. Blathwayt, the Surveyor and Auditor General of all his Majesty's revenues arising in America,

<sup>259</sup> *State Papers, Colonial, Entry Book 106*, p. 266. Report of Attorney-General ab<sup>t</sup> N. Engl<sup>d</sup> &c. 21 June 1681, *post.*

<sup>260</sup> *Transcripts of New Hampshire Documents*, by J. S. Jennefs, p. 104. A narrative of the proceedings of the Councell of the Province of New Hampshire in New England upon rec<sup>t</sup> of His Ma<sup>t</sup>s Commission, read 6 September, 1681, *post.*

In the *History of Massachusetts Bay*, by T. Hutchinson, 2d ed., Vol. I. p. 333, is given a letter from Sir George Downing to Governor Bradstreet, dated from East Hadley, 28 September, 1681. " As for the large and particular account you

are pleased to give me of the Concerns of the country in general, your's was sent hither to me to my house here, by Mr. Randolph, where I have been for some weeks, and do intend to stay some weeks longer, so that I doubt Mr. Randolph, by whom I send this, will be gone e'er I come to London, but, when I shall be there, I shall endeavour to inform myself, the best I can, how matters do stand as to your colony, and shall do them the best service and friendly offices I can, and it will be very well and adviseable, that upon Mr. Randolph's arrival, matters relating to trade be so settled, as that there be no farther just Complaints upon that account."

America, his deputy for the New England colonies, with the exception of New Hampshire.<sup>261</sup> He was also appointed Collector by royal commission, it being presumed that a commission from the King would have more weight and greater authority than one given by the Commissioners of Customs. Both the deputation and commission were read before the General Court on 16th of February, 1681-2.<sup>262</sup> A royal letter was also prepared at the request of the committee<sup>263</sup> to be delivered by Randolph to the Massachusetts magistrates, reproving them for countenancing illegal trading, for allowing attachments to be granted against the collector, for demanding a deposit of money in order to obtain a trial and pay costs, for seizing fines and forfeitures belonging to the King, for denying appeals to England and for neglecting to send agents, and requiring them to give assistance to Mr. Randolph, "with whose former execution of his office wee are so well satisfied that wee have granted him a further authority under the great seale of England." If the laws of trade are still violated, if agents fully authorized

"as

<sup>261</sup> *Massachusetts Records*, Vol. V. p. 526. The deputation of William Blathwayt, Esq., to Edward Randolph, dated 15 October, 1681. This was recorded at the request of Randolph.

<sup>262</sup> *Ibid.*, Vol. V. p. 333. "At the opening of this Court his majestyes letter to the Goūn'r & Company, brought by M<sup>r</sup> Edward Randolph, bearing date 21<sup>st</sup> of October 1681, was read in open Court, the whole Court mett together. [15 February, 1681-2]. Also the next day, was, before the whole Court read his Majesties comission or patent, under the broad seale of England for constituting Edward Randolph Esqr, Collec-

tor &c. Also his Maj<sup>ts</sup> comission to W<sup>m</sup> Blathwayt, Esqr; as also M<sup>r</sup> Blathwayt's deputation to M<sup>r</sup> Randolph, all which are on file."

<sup>263</sup> *State Papers, Colonial, Entry Book* 106, p. 202. Order for Letter to the Massachusetts, 18 October, 1681, post.

At the meeting of the Committee, which voted the order, Lord Culpepper presented a list of names for Commissioners to inquire into the various claims to the jurisdiction and soil of the Narraganset country, which list was adopted.

"as to all matters relating to our government under your care are not immediately sent to England, if our commands and those formerly signified to you are not obeyed wee shall take such further resolutions as are necessary to preserve our authority from being neglected."<sup>264</sup> This letter, which Mr. Blathwayt calls "exceeding soft and gentle" in his despatch to Randolph, who was already on shipboard prepared to fail, was less harsh in tone than the one offered for the King's signature according to Chalmers,<sup>265</sup> but not adopted. Mr. Blathwayt in his despatch warns Randolph that

<sup>264</sup> *State Papers, Colonial, Entry Book 61*, p. 132. Lie from ye King to the Massachusets, 21 October, 1681, *post.*

<sup>265</sup> *Political Annals*, by George Chalmers, p. 443. This letter gave a long and detailed account of the misdemeanors of the Massachusets colonists from the very infancy of the settlement "so much tending to the prejudice of our sovereign right and your natural dependance upon the Crown; the quo warranto of 1635; the many thousands of our subjects who groaned under your oppressions; the laws made absolutely contrary to those of England; the great hardships suffered by English merchants, who have been endamaged many thousand pounds; the persecution even to death on the score of conscience; the violence exercised in the provinces belonging to Robert Mafon and Ferdinando Gorges; the breach of faith and acts of injustice towards the Indians; the hostile and contemptuous manner in which the royal commissioners were treated in 1665, the object of their mission defeated and their adherents imprisoned; matters rested thus, without one real instance of duty on your parts until 1674, when Mason and

Gorges renewed their complaints; the agents you sent were made sensible of the great crimes you were answerable for in coining money, for which they besought our royal pardon; the constant violation of the acts of trade, by which the customs in England are diminished and our subjects injured who are obliged to contain themselves within the rules of law; the neglect to amend the obnoxious laws; the frivolous and insufficient pretences for not sending agents in the prescribed time; the opposition to the collector, who must be permitted at all times and without charges to prosecute offenders; notwithstanding our commands the free exercise of religion according to the Church of England is impeded by you; you have laid impositions upon persons not free of your company contrary to your charter; the grievances of our good subjects must be speedily redressed and our authority acknowledged; In default whereof, we are fully resolved in Trinity term next ensuing, to direct our Attorney-General to bring a quo warranto in our court of King's bench, whereby our charter granted unto you, with all the powers thereof, may be legally evicted and made void."

that he has one rock to avoid when he arrives in New England, and that is, he must not let his adversaries, like wrestlers, "come within you after which they will easily give you the Cornish Hugg," and overthrow him.<sup>266</sup>

While Randolph was crossing the Atlantic, Mr. Mason presented a petition to the Committee of Trade and Plantations, praying that the inhabitants of New Hampshire be "required and commanded to acknowledge and receive him as their true and lawfull proprietor," and stating that the council of the province backed by the "factious magistrates of Boston," had opposed him, and "Joshua Moody, a preacher, had publickly excited the people not to come to any agreement or to owne the pet<sup>rs</sup> title," a warrant had issued for seizing him, and a declaration made that "neither His Maj<sup>ty</sup> or the pet<sup>rr</sup> had anything to do in the province."<sup>267</sup>

On the 17th of December,<sup>268</sup> Randolph, accompanied by his

<sup>266</sup> *Massachusetts Archives*, Vol. CVI. p. 246. Letter of William Blathwayt to Edward Randolph, 22 October, 1681, *post*.

<sup>267</sup> *Transcripts of New Hampshire Documents*, by J. S. Jennefs, p. 109. The humble petition of Robert Mason, Esq<sup>r</sup>, agt ye Council of New Hampshire, read 10 November, 1681.

<sup>268</sup> *Sewall Papers in Massachusetts Historical Society Collections, Fifth Series*, Vol. VI. p. 17\*. "Foye arrives in whom Mr. Randolph and his new wife and family." Under date of Christmas Sewall notes that "they sit in Mr. Joyliffe's Pue; and Mrs. Randolph is observed to make a curtesy at Mr Willard's naming *Jesus* even in Prayer time. Since dwells in Hez. Usher's House, where Ministers used to meet." See also *same series*, Vol. VIII. p. 423,

letter of Wait Winthrop to Fitz-John Winthrop, in New London. "Boston, Decemb<sup>r</sup> 19<sup>th</sup> 1681. deare Brother. Foy brought M<sup>r</sup> Randolph his new wife and fower daughters with a Commission under the broad seale for custom master (I suppose) and a letter to the country to enforce the execution of his office. He says the Duke [of York] is in Scotland. The Duke of Monmouth lives, but as a private gent. The Lord Culpepper intends for Virginia. Sr Edmond Androis troubled with vexatious suites which come to nothing. Capt<sup>a</sup> Nichols gon to Scotland to the Duke. All at peace, No Parliament nor like to be."

See also Randolph's Short Narrative of his proceedings and voyages, *post*.

Randolph's second wife was Grace Grenville. His four daughters were Jane, Elizabeth, Mary, and Deborah.

his newly married wife and his four daughters by his first marriage, arrived in Boston armed with his commission from the King, which, however, failed to evoke greater respect among the colonists than his former one, it "being looked upon as an encroachment on their charter," as Randolph wrote, and consequently being met with determined opposition—an opposition probably intensified by a report that the political troubles in England were very great,<sup>269</sup> and by a rumor that the States of Holland had shown themselves favorable to Massachusetts.<sup>270</sup> His letters are full of complaints.

<sup>269</sup> *History of England*, by T. B. Macaulay, 1861, Vol. I. p. 167, etc. The secret treaty with France of 1670 bound Charles II. to declare himself a Catholic. "Rumors indistinct indeed, but perhaps the more alarming by reason of their indistinctness, imputed to the Court a deliberate design against all the constitutional rights of Englishmen. It had even been whispered that this design was to be carried into effect by the intervention of foreign arms. The general impression was that a great blow was about to be aimed at the Protestant religion. The King was suspected by many of a leaning towards Rome. His brother and heir presumptive was known to be a bigoted Roman Catholic."

<sup>270</sup> *Massachusetts Historical Society Collections, Fourth Series*, Vol. V. p. 56. Letter of John Cotton to Thomas Hinckley, Plymouth, Jan. 3, 1681-2. "It is taken for granted by Godly wife, that the immediate Caufe of the diversion of further harshnes was an ambassador from the States of Holland, who (as God ordered it, and as some suppose, was contrived by some religious Prot-

estants of the Council) came in the very instant when great motions were on foot for regulations, or rather subversions of Massachussetts, and solemnly demands in the name of the States, that his Majesty would forthwith declare whether he were for Protestantism, yea or no. Mr. Randolph had complained that violation of the King's laws respecting trade is connived at, and then when he sues any on that account he is forced to pay moneys (which is not the custom in such cases in Old England): and that he hath not justice etc. The King writes on his behalf, that they be careful to do him justice; that he be heard without demanding money of him; that his appeals to Old England be allowed, in case he be not satisfied with any verdict etc. The Duke of York hath as much acknowledgment in and from Scotland, as his heart desires. Papists have great hopes that the King will declare for them. The French King goes on doing mischief. Your letter to Mr. Randolph I this day received and shall fend it by the first. I rest, Sir, your honor's to love and serve

"JOHN COTTON, Senior."

plaints.<sup>271</sup> He denounces Mr. Danforth as being the instigator of a party in the General Court against him, "giving out that none had power to seize Ships without a Warrant from the Gov<sup>r</sup> or from a Magistrate." He states that in opposition to him as royal collector, a colonial naval office has been established against the opinion and without the consent of the Governor; that a law had been passed enforcing the Acts of the 12th and the 15th of Charles II., but not taking notice of the 25th of the King, which was intended chiefly for the plantation trade; they still force him to give security to answer damages before trials; he is not even permitted to see the clearing of ships; notwithstanding his appeals, vessels are allowed to go away without giving security to stand a further trial; in fine, he is obstructed in all the parts of his office. To confirm his statements, he sent to the Committee in England some of the printed laws of the colony.<sup>272</sup> The erection of the Naval Office, 15 February, 1681-2, under the complete control of the authorities of Massachusetts, with jurisdiction over all inward and outward bound vessels, was sure to be condemned in England.<sup>273</sup> The Act nullifying Randolph's authority

was

<sup>271</sup> *State Papers, Colonial, Entry Book 61*, p. 150. Mr. Randolph complains in his last letters, *post*.

<sup>272</sup> *State Papers, Colonial, Bundle 53 (17)*. Indians, Navigation and Trade, 15 February, 1681-2, *post*.

<sup>273</sup> *Massachusetts Records*, Vol. V. p. 337, 16 February, 1681-2. A draft, dated 1678, in the *Massachusetts Archives*, Vol. LXI. p. 178, states that in pursuance of a law made 10 October, 1677, it is enacted that there be a naval

office, James Russell, chief officer. A draft in the *Archives*, Vol. LXI. p. 186, dated 1679, orders that a naval office be forthwith erected and settled in Boston, Joseph Dudley, chief officer. The draft dated 21 February, 1681-2, in the *Archives*, Vol. LXI. p. 228, adds: "whereas Edward Randolph is by his Majestie during his pleasure constituted his Surveyor, searcher & collector of all his Majesties customes & duties that may arise by vertue of sd acts of Parliament,

was bad enough, but it was followed by another reviving an old law, which was still worse,—the law inflicting the penalty of death upon any one who should stir up an insurrection against the constituted authorities, or who should “treacherously and perfidiously attempt the Alteration, and Subversion of our Frame of Polity or Government Fundamentally.” Mr. Randolph remarks upon this law that “it was made about the tyme they sett up to be a Common Wealth, & ought to be repealed; it was a law revived by the Assembly to try me for my life and for acting by his Majesties Commission before it was allowed by them.”<sup>274</sup> These acts showing a spirit hostile to the designs of the Crown led to collisions with Randolph’s deputies and under officers, some of whom were arrested and imprisoned, as he complains, “for acting by virtue of his Majesties Commission.” He complains also that his “commission was not allowed to be read openly in Courts,”<sup>275</sup> although warrants were granted to him by some of the magistrates to aid him in his searches.<sup>276</sup> Finding his authority generally disregarded

liament, it is ordered that he have encouragement in the due discharge of his trust.” The clause in regard to Mr. Randolph is not in the draft of March 9th in *Massachusetts Archives*, Vol. LXI. p. 243, and was left out of the records. The order for establishing the naval office and observing the two Acts of Parliament was “published by beat of drum” on 25 March, 1681-2. See *Massachusetts Archives*, Vol. LXI. p. 243.

Mr. Randolph gave public notice that the office of the royal collector of customs would be at his residence in Bos-

ton, and the hours for business would be between nine and eleven o’clock in the morning. See *Massachusetts Archives*, Vol. LXI. p. 249. “To all masters of Ships & Vessells, Merch<sup>t</sup>s and others whom it may concern,” post.

<sup>274</sup> *Randolph’s short narrative of his voyages* under date of March 10, 1681-2, post.

<sup>275</sup> *Ibid.*, under date of 1682, post.

<sup>276</sup> *Massachusetts Archives*, Vol. CVI. p. 250. Aid demanded by Edward Randolph to seize a vessel at Boston for bringing in a cargo of sugar, 1 March, 1681-2, post.

garded and held in contempt he wrote a strong protest against the actions of the General Court, saying that his commission is "in full force & cannot be made void by any order law or written paper of this or any other jurisdiction in New England. And that he is and shall be alwayes ready w<sup>th</sup> all diligence in pursuance of the sayd letters patents & Acts of Parliament vigorously to execute the same as occasion shall present. And lastly for his further Justification he doth desire that this his protest may be entered in due forme according to law." The notary public in Boston being unwilling to have anything to do with the protest, Randolph published it himself on April the 6th,<sup>277</sup> which caused, he said, "a great breach amongst them, and is looked upon as an aggravation of my former crime of trying to subvert the government. The magistrates are resolved to prosecute me and if they can by any meanes they will take away my life. frydaye next I am to be examined; imprisonment is the least I expe&t, but their treatment of me will depend upon the news they receive from England. His Ma<sup>ties</sup> continued

favour

<sup>277</sup> *Massachusetts Archives*, Vol. CVI. p. 256. The Protest of Edward Randolph against the Proceedings of the General Court, 3 and 6 April, 1682, *op.cit.* Hutchinson in his *History of Massachusetts Bay*, 2d ed., Vol. I. p. 330, says Randolph "laid his commission before the general court and desired he might be aided in the execution of his office with their countenance and authority, but no notice being taken of his application he set up an advertisement in the town house to acquaint all persons concerned that an office was erected, &c. This he said was taken down by the marshal, by order of the general court

or some of the members, he therefore in a letter to the governor demands the final resolution of the court, whether they will admit the said patent to be in force or not, that he might know how to govern himself." In a note Hutchinson adds: "William Dyre, at the same time, called himself surveyor and searcher-general. I suppose this was the beginning of the office of surveyor-general, his commission extending to New York, but the powers and duties of those offices were not then fully settled. Randolph did not chuse to acknowledge himself Dyre's inferior, or subject to his control."

favour to this people hath hightned their Contempts. His Ma<sup>ties</sup> Letters are of no value here. Nothing will serve but bringing a Quo Warr<sup>to</sup> against their Charter, which may save my life & reform this Governm<sup>t</sup>. I am preparing to make my defence. The Gov<sup>r</sup> who is an honest gent but very much in yeares and some of the magistrates oppose these heady practices what they can, but when anything comes to a vote It's carried against them. Unless orders are sent at once and sent by Severall wayes of Shipping least they miscarry I am lost." <sup>278</sup> His fears proved groundles, news being received from England that the court party was still triumphant, and measures against the dissenters were being rigorously executed.<sup>279</sup>

It

<sup>278</sup> *State Papers, Colonial, Bundle 53* (19). Randolph to Lionel Jenkins, April 11, 1682, *post.*

*History of Massachusetts Bay*, by T. Hutchinson, 2d ed., Vol. I. p. 331. "During these distresses of the colony there were two parties subsisting in the government, both of them agreed in the importance of the charter privileges, but differing in opinion upon the extent of them, and upon the proper measures to preserve them. The governor, Mr. Bradstreet, was at the head of the moderate party. Mr. Stoughton, Mr. Dudley, and William Brown, of Salem, these fell in with the governor. The deputy governor, Mr. Danforth, was at the head of the other party, the principal members of the court with him were Major Gookins of Cambridge, Peter Tilton of Hadley, Eliha Cooke and Elisha Hutchinson of Boston. This party opposed the sending over agents, the submitting to acts of trade &c. and were for adhering to their charter according to their construction of it, and leaving the event." *Ibid.* Letter of Governor Bradstreet's

son, April, 1681. "Better the ruin, if it must be so, under other hands than yours. Time will make it appear who have been the faithful and wise conservators of New England's liberties."

<sup>279</sup> *Massachusetts Historical Society Collections, Fourth Series*, Vol. VIII. p. 617. Letter of Ichabod Chauncey [son of President Chauncey, of Harvard College] to Increase Mather. "Bristol 17. 1681-2. (Suppose Feb. 17. Prince.) I doubt not but common fame hath acquainted you how great a cloud the protestant Interest is under in all Christendome & more especially in this land: how farre Popish counsells have prevailed, & doe daily prevale among us. The French King (the great Engine of the Jesuites at this day) and like to be *flagellū Europae*, influencing all the Councils & Courts of Europe, & more especially in those Islands. I suppose I need not tel you what pgres the D. York (who is one in counsels & interest with the Ffrench King) hath made in Scotland; having established his owne succession there by all the strength humane

It was evident that something must be done. William Stoughton and Joseph Dudley were finally chosen on March 20th to go to England as agents of the colony, but, Mr. Stoughton having declined positively, John Richards was selected to fill his place three days after.<sup>280</sup> Randolph wrote to Sir Lionel Jenkins that "This Gōm<sup>t</sup> upon y<sup>e</sup> Newes of y<sup>e</sup> dissenters being imprisoned in Eng<sup>d</sup> and his Ma<sup>tie</sup> bringing a Quo Warr<sup>to</sup> against the Charter of London, believe it now tyme to make their application to his Ma<sup>tie</sup> by their Agents." The news from England was indeed serious. If the writ of quo warranto issued against the powerful city of London,<sup>281</sup>

the

mane laws can give, the poor dissenters of that kingdome being brought very low, & all manner of severity used towards them: the case of dissenters in Bristol worse than in any other place in England: all lawes are here put in execution against us, nay more than lawes, for men are suffered to act their owne wills to the ruining of us. All our publick meetings are supp<sup>ffed</sup>, our publick places ruined; many have been & are imprisoned; many are excommunicated: others are indicted upon the A&T of 20<sup>l</sup> p<sup>r</sup> mensem for not coming to church; in a very little while multitudes must eyther fly, conforme, or be undone, but alas! many, nay most of the presbyterian dissenters have chosen thoroughly to conform: I doubt N. E. must not fare much better, for we heare they are about to send you over a Governo & if it be the person we heare named (viz. Mr. Cranfield) he is a very base Tory. We know him wel in Bristol, & owe a good pt of our calamities to his interest here & at Court."

*History of England*, by T. B. Macaulay, 1861, Vol. I. p. 206. "The King had triumphed. The reaction, which had

begun some months before the meeting of the Houses at Oxford, now went rapidly on."

<sup>280</sup> *Massachusetts Records*, Vol. V. p. 346. March 20 and 23, 1681-2.

William Stoughton, born in England, 1632, died in Dorchester, 1701; Harvard, 1650; Chief Justice, July to December, 1686; Lieutenant Governor, 1692; Chief Justice of the Superior Court, December, 1692.

Joseph Dudley, born in Roxbury, 1647; died there, 1720; Harvard, 1665; Commissioner for the United Colonies, 1677-1681; Agent to England, 1682; President of New England, 1685; Chief Justice, 1687; Chief Justice of New York, 1690-1693; Deputy Governor of the Isle of Wight, elected to Parliament 1701; Governor of Massachusetts, 1702-1705.

John Richards is called by Hutchinson "a wealthy merchant of a fair character, and one of the assistants."

<sup>281</sup> *History of England*, by T. B. Macaulay, 1861, Vol. I. p. 208. "Since the charter of the capital was in their way, that charter must be annulled. It was pretended, therefore, that the City of London had by some irregularities forfeited

the stronghold of the Whigs, should result in destroying its liberties, what chance could there be of preserving the franchises of the Massachusetts Charter? Although the storm was so threatening, the agents, by their instructions, were told, "yow shall neither doe nor consent to anything that may violate or infringe the liberties & priviledges granted to us by his Maj<sup>ties</sup> royall charter, or the government establisched thereby; but if anything be propounded that may tend thereunto, yow shall say, yow have received no instruction in that matter."<sup>282</sup> Taking with them an address to the King from the General Court, one also from the inhabitants of Gloucester, and a letter to Sir Lionel Jenkins from Governor Bradstreet, the agents set sail on May 31.<sup>283</sup> The General Court begged the King to continue his favors towards them, and promised that in the future the rules of the Charter would be strictly adhered to.<sup>284</sup> The inhabitants

of

feited its municipal privileges; and proceedings were instituted against the corporation in the Court of King's Bench."

<sup>282</sup> *Massachusetts Records*, Vol. V. p. 346. 23 March, 1681-2. In regard to coining, the agents were instructed to say that "we tooke up the stamping of silver meerley upon necessitie; and we have been well informed that his maj<sup>tie</sup> had knowledge thereof, yet did not manifest any displeasure therat till of very late; and if that be a Trespass upon his maj<sup>ties</sup> royal prerogative, of which wee are ignorant, wee humbly beg his maj<sup>ties</sup> pardon and gratiouse allowance therein. For admission of ffreemen wee humbly conceive it is our liberty, by Charter, to chuse whom wee will admitt into our owne company. Yow shall humbly pray his maj<sup>ties</sup> favour, referring to plantation goods, that they, having pajd his maj<sup>ties</sup>

dues, according to Act of Parliament in the 25<sup>th</sup> yeare of his maj<sup>tie</sup>, his subjects in this colonje may have liberty granted them to transport the sajd plantation goods into Europe, or any other parts or ports, as his maj<sup>ties</sup> subjects in England may lawfully doe. The land claimed by Mr. Mafon is within the chartered limits of Massachusetts. The Province of Maine, the defence of which has cost eight thousand pounds besides the losf of life, is governed according to the patent granted to Sir Ferdinando Gorges." The instructions are dated 15 February, 1681-2.

<sup>283</sup> *History of Massachusetts Bay*, by T. Hutchinson, 2d ed., Vol. I. p. 335. A fast to prosper the agents was appointed for June 22.

<sup>284</sup> *Massachusetts Records*, Vol. V. p. 333, under date of 15 February, 1681-2;

of Gloucester protested against the claims of Mr. Mason, stating that they had occupied their lands more than fifty years, that they were within the jurisdiction of Massachusetts according to the opinion of the lords chief justices and the limits of the patent; if Mr. Mason, who had never taken possession of the lands claimed, wished, he could bring a suit in the local courts.<sup>285</sup> Governor Bradstreet apologized for not sending agents sooner, saying, " His Ma<sup>tie</sup> will Graciously please not to impute the Lapse of time to us, as a Neglect, but look upon it as an effect of those Obstructions with which we have been attended."<sup>286</sup>

To counteract the efforts of the agents and their friends in England, Randolph determined to break down what he called the "faction" hostile to him among the magistrates, believing if they could be driven from office and made incapable of accepting any political trust, the task of establishing the King's authority on a firm basis would be easy, and to influence at the same time all he could in England in his behalf. He sent to the Plantation Office a deposition against Mr. Nowell, one of the magistrates who had not allowed his commission to be read in court, and who had asserted that the Act of Parliament for preventing frauds was of no force in the colony.<sup>287</sup> A few days later he sent " Articles of

high

1681-2; also *Massachusetts Archives*, Vol CVI. p. 258, under date of 5 May.

<sup>285</sup> *Massachusetts Records*, Vol. V. p. 334. Address of the inhabitants of Gloucester to the King, 16 February, 1681-2. "Wee humbly implore your Maj<sup>ties</sup> favour, that you will gratioufly please to interpose your royll authority with M<sup>r</sup> Mason that he may cease to

moleft & disturbance us in our lawfull rights."

<sup>286</sup> *Massachusetts Historical Society Collections*, Fourth Series, Vol. II. p. 306. Letter of Governor Bradstreet to Sir Lionel Jenkins, 29 May, 1682.

<sup>287</sup> *State Papers, Colonial*, Bundle 53 (22). Deposition of Randolph against Nowell, 3 May, 1682, *post*.

high Misdemeanors" against several of the magistrates and deputies, whom he named, giving in detail an account of their offences; that they had refused to publish the King's proclamation to enforce the Act for better securing the plantation trade; "they haue refused to repay mee severall summs of money which I was forced to deposit in Court before I could proceed to tryall of causes; they haue refused to acknowledge me as collector although pressed to do so by the Governor, Major Dudley and feveral of the magistrates; they haue set up a Naval office in opposition to the royal collector; the faction continue to exercise the power of Governo<sup>r</sup> & Court of Affistants, which through the inadvertency of former Governo<sup>rs</sup> the Court of Deputies have assumed, to hear, repeal and determine in civill cases, which for want of Education, and being under no perticular Oath they are uncapable to manage, So that by their Numbers outvoting the Governo<sup>r</sup> and Court of Affistants his Ma<sup>ties</sup> subjects greatly suffer in their Estats, and besides their is no such power granted them in their Charter; they have neglected to repeal all the laws of the colony contrary to those of England including their Laws Ecclesiasticall and all other Laws imposing upon Mens consciences and Estats while they still coin money, which their Agents confessed to be a great crime; they have refused to acknowledge Mr. Blathwait as Surveyor and Auditor General and have appropriated to themselves fines and forfeitures which are due to the King."<sup>288</sup> He added a list of those fines and forfeitures which

<sup>288</sup> *State Papers, Colonial, Bundle 53 (14).* "Articles of high Misdemeanors exhibited against a faction in the gener<sup>l</sup>l Court fitting in Boston the 15th day of february 1681, to witt, against Tho. Danforth Deputie Govern<sup>r</sup> m<sup>r</sup> Guggins

which had been feized by the Maffachusetts government, but which belonged of right to the Crown, and claimed besides for the King the “townes of Milton, Brantree, Weymouth, Hengham, Dedham, Medfeild, Mendham, Reathone & Porcester containing nigh 900 familyes and seated in a fruitfull foile,” being outside of the limits of both Massachusetts and New Plymouth.<sup>289</sup> The withdrawal of the New Hampshire towns from the jurisdiction of Massachusetts lessened the influence of the colony on the north, while the threatened separation of the towns on the south, if carried out, would greatly restrict the territorial limits and place the colony between two provinces governed directly by the King.

In a letter to Sir Lionel Jenkins, Randolph repeats what he had already written in other communications, adding “they are all incensed against me and are combined to misrepresent me as an Enemy to their Gōmt for protesting in his Ma<sup>ties</sup> name against their New Law, & a disturber of

their

Guggins senio<sup>r</sup>, m<sup>r</sup>, Ja. Russell, m<sup>r</sup> Saltonstall senio<sup>r</sup>, m<sup>r</sup> Samull Noel, m<sup>r</sup> John Richard, m<sup>r</sup> Davie, m<sup>r</sup> Gidney and m<sup>r</sup> Appleton, Magefrats. And against John ffisher, Elisha Cook, Tho. Brattle senio<sup>r</sup> Anthony Stodder, senio<sup>r</sup>, Bathurst, Hathorn, Wait Johnson, Elisha Hutchinson, Spragg, Oakes, Holbruck, Cushing, Hamond & Pike Deputies, and all members of the f<sup>d</sup> gener<sup>ll</sup> Court: by Edward Randolph Collect<sup>r</sup> etc. of his Majesties Customes in New England 28 May 1682,” post. Mr. Saltonstall was Richard Saltonstall; Mr. Noel was Rev. Samuel Nowell; Mr. Davie was Humphrey Davy; Mr. Gidney was Bartholomew Gidney or Gedney; Mr. Appleton was Samuel Appleton; John Fisher was Daniel Fisher; Anthony Stodder was Anthony Stoddard; Bath-

urst was Nathaniel Bosworth; Hathorn was probably John Hawthorn, who was not a deputy, however, until 16 May, 1683,—William Hawthorn was dead; Johnson was William Johnson; Spragg was Richard Sprague; Oakes was Edward Oakes; Holbruck was John Holbrook; Cushing was Daniel Cushing; Hamond was Lawrence Hammond; Pike was Robert Pike, who became an affistant, 24 May, 1682; Guggins was Daniel Gookin; Wait was John Wayt.

<sup>289</sup> *Ibid.*, 53 (35). An account of Lands, Rents, fines & fforfeitures aris<sup>g</sup>ing & becoming due to his Ma<sup>tie</sup> in ye Colony of ye Massachusetts Bay in N. Engd. 29 May 1682, post; also *ibid.* 53 (27). Reasons of my protest ag<sup>st</sup> the Law made by a faction in the gener<sup>ll</sup> Court, erecting a Naval office, post.

their Inhabitants who have not transgref'd the lawes of their Country by which they are to be governd: but I hope I have done nothing but my duty, & expect to be justified in so doing. I know they will not be wanting to render me to y<sup>r</sup> Lord<sup>ps</sup> as ill as malice & interest can invent; & by my absence will take the greater Liberty; but I know they have not just cause to make an accusation against me on my proceedings. I went yesterday to feize a ketch a league or two below their Castle & caught such a cold that I am now in extreamity: should it please God to take me away by this or other accident It would be accounted the blessed return of their prayers. I hope y<sup>r</sup> Hono<sup>r</sup> will intercede w<sup>th</sup> his Ma<sup>tie</sup> that my wife & children may have recompence made them for all my losses & charges I have been at in contending & maintaining his Ma<sup>ties</sup> Right to that effect in this place, that his Ma<sup>tie</sup> may now putt a finall end to all disputes here with his Royall Authority, without any charge. I have broak the heart of this faction & if it please god to spare my life shall prepare them to receive his Ma<sup>ties</sup> commands, his Ma<sup>ties</sup> bringing a Quo Warr<sup>to</sup> against their Charter & by his printed declaration disable Danforth & his faction from bearing any office civil or military & making them uncapable of voting in future Elections will putt this Gōmt<sup>t</sup> into the hands of honest & prudent Gentlemen who will with all duty receive his Ma<sup>ties</sup> Lawes & Gōum<sup>t</sup>." In a postscript he adds, "Nothing these agents promise may be depended upon if they are suffered both to depart till his Ma<sup>tie</sup> have a full account that all is here regulated as promised."<sup>290</sup> On

<sup>290</sup> *State Papers, Colonial, Bundle 53 (23).* Randolph to Jenkins, 29 May, 1682, *post.*

On the same day he wrote to the Bishop of London, with whom he had already conversed upon the subject, and who had a general superintendence of the colonial churches, suggesting that as the chief obstacle to planting the Anglican Church in Massachusetts was the cost of maintenance it would be desirable to divert the money "pretended to bee expended amongst the Indians" to the support of clergymen sent from England. "I am told by credible persons that there is nigh two thousand pounds of that money put out to interest in this country." He hints that this money will be used as a fund for bribing people in England, "for they have very good correspondency with some of the clerks of the Councill and their great friend L. P. S. [Lord Privy Seal] cannot withstand their weighty arguments. They have bin this 3 years raiising money for this expedition, their last agents expended above 4000*l.* in their agency, the poore people must pay all, for by their law neither magistrates, ministers or any publick officers are charged with any publick rate." He speaks of his succeſſful attempts to convert people to the Anglican Church: "I give your Lordship my humble thankes for the great present of excellent bookeſ. I have disposed of them to advantage and with my wife are cryed upon as disturbers of the peace of the churches for bringing in damnable bookeſ." There is one thing, however, better than any other, and that is to declare all marriages hereafter made according to the laws of the colony illegal, and those only "ſhall be allowed lawfull as are made by the ministers of the church of England." He speaks in contemptuous terms of the agents: "Major Dudley will cringe and bow to anything, he hath his fortune to make in  
the

the world and if his Majesty, upon alteration of the government, make him captain of the castle of Boston and the fforts in the colloney, his Majesty will gaine a popular man and oblige the better party. As for Cap<sup>t</sup> Richards he is one of the faction, a man of meane extraction, coming over a poore servent, as most of the faction were at their first planting heere, but by extraordinary feats and couffinadge have gott them great estates in land, especially Danford, so that if his Majesty doe fine them sufficiently, and well if they escape foe, they can goe to worke for more. As for Mr. Richards he ought to be kept very safe till all things tending to the quiett and regulation of this government be perfectly settled. They have certaynly one great advantage by my absence, haveing liberty to say what they please." Their presence in England will, however, act as a "pledge for such ministers as your Lordship shall thinke convenient to send over for their civill treatment, and I thinke no person fitter than Major Dudley to accompany them who will be very carefull to have them settled as ordered in England." He touches upon the quarrel between "the old church and the members of the new church about baptisme and their members joyning in full communion with either church; this was soe high that there was imprisoning of parties and great disturbances, but now hearing of my proposals for ministers to be sent over, they are now joyned together about a fortnight ago, and pray to God to confound the desires of all who disturbe their peace and liberties. I have made it an article against them for not repealing their laws ecclesiasticall and sent my papers to Mr. Blathwayt, to which I refer you, beseeching you to be present at the meetings of the Committee.

mittee. If commanded I will readily passe the feas to attend at Whitehall, especially if Danford, Goggin and Nowell, magistrates and Cooke, Hutchinson and Fisher, members of their late generall court and great opposers of the honest governor and magistrates be fent for to appeare before his Majesty: till which time this country will always be a shame as well as inconveniency to the government at home." He evidently thinks that the Rev. Samuel Willard,<sup>291</sup> a brother-in-law of Dudley, could be won over, for "he is a moderate man, and baptizeth those who are refused by the other churches, for which he is hated. My Lord, we heere the slaves in Algier are all to be redeemed, that I bouldly write itt that the settlement of this country and putting the government into the hands of honest gentlemen, some of which are already in the magistracy, and discountenancing utterly the faction, will be more gratefull to us, for now our consciences as well as our bodys are in captivity to servants and illiterate planters. My Lord, your goodness and readines to serve his Majesty in the settlement of this great plantation, invites me upon all occasions to interpose your Lordships more weighty affayres, but since wee are heere immediately under your Lordships care, I with more freedome pres for able and sober ministers, and wee will contribute largely to their maintenance."<sup>292</sup>

In order to drive the magistrates into a false position and to make "appear barefaced what is really intended by the Gener<sup>ll</sup>

<sup>291</sup> Mr. Willard and Mr. Dudley married daughters of Edward Tyng.

<sup>292</sup> *Hutchinson's Collection of Papers*, Prince Society, Vol. II. p. 271. Ed-

ward Randolph to the Bishop of London, 29 May, 1682, p. 97. Hutchinson adds in a note that the statement in regard to Captain Richards is false.

Gener<sup>ll</sup> Court to bee done in answer to his Ma<sup>ties</sup> service and expectation without any reserves or equivocation and to demonstrate how ready I am to attend my dutie which would long since have been effected with great ease and quiet, had not some overweening persons against all colour of right or good inclinations to his Ma<sup>ties</sup> service, block't up my way, and rendered his Ma<sup>ties</sup> authority, though fortified with y<sup>e</sup> best pow<sup>r</sup> and security, so weak and inconsiderable that nothing will now availe with the people, but what is allowed of & approved by some Members in this Government," Randolph presented a series of questions to the General Court, all based upon the fact that the laws of the colony were considered superior to A<sup>Cts</sup> of Parliament or to commands of the King.<sup>293</sup>

So highly wrought were the feelings of both parties, and so incensed were some of the officers of the government at Randolph's conduct that the magistrates passed a vote demanding that he should be publicly reprimanded by the Governor, with threats of a "more severe animadversion, in case he do proceed in such abusive wayes, they having daily informations of his dirty & abusive reflections upon this Court & the laws of this Colony." The deputies, however, did not give their consent to the vote.<sup>294</sup> A few days after the rejection of the vote of censure, Randolph wrote to the Earl of Clarendon,<sup>295</sup> complaining that the magistrates

<sup>293</sup> *State Papers, Colonial, Bundle 53* (39). M<sup>r</sup> Randolph's Queries to y<sup>e</sup> Gen<sup>ll</sup> Court, 7 June, 1682, *post*. Also *Suffolk Court files*, No. 2081, in Randolph's handwriting.

<sup>294</sup> *Massachusetts Archives*, Vol. CVI. p. 262. Order for Edward Randolph

to appear to be admonished by the Governor for his reflections on the General Court on April 3. 9 June, 1682, *post*.

<sup>295</sup> He was the son of the Earl of Clarendon, the Lord High Chancellor, who died in France in 1674.

magistrates had by secret means or bribery procured copies of his papers, and of Mr. Cranfield's instructions as Governor of New Hampshire; they have friends in England "too nigh the councill chamber." He exprefses his delight at the return of the Duke of York to London: "I heartily congratulate the happy returne of his Royall H. my gracious master to Whitehall, the news whereof, and of his Majesties bringing quo warrantos against several charters<sup>296</sup> in England and of Mr. Cranfield's being constituted governor of New Hampshire puts the faction in a great perplexity. I am confident, if his Majestie had bene pleased, at the same time he made Mr. Cranfield governor, to bring a Q. W. against their charter and made him governor of this collonie, they would thankfully receive him, especially upon declaring liberty of conscience in matters of religion, but so long as their charter remains undisturbed, all his Majestie faith or commands signifies nothing here. A quo warranto against the charter and fending for Tho. Danforth, Sam. Nowell, a late factious preacher and now a magistrate and Dan. Fisher and Elisha Cooke, deputies, to attend and answer the articles of high misdemeanours I have now exhibited against them, will make the whole faction tremble. I was very much threatened for my protest against their navall office, but it was at a time when they heard of troubles in England;

<sup>296</sup> *History of England*, by T. B. Macaulay, 1861, Vol. I. p. 211. "Flushed with this great victory [the forfeiture of the charter of London] the government proceeded to attack the constitutions of other corporations which were governed by Whig officers, and

which had been in the habit of returning Whig members to Parliament. Borough after borough was compelled to surrender its privileges; and new charters were granted which gave the ascendancy everywhere to the Tories."

land; but since, I am very easie, and they would be glad to heare no more of it. I have arrested Mr. Danforth for 10*l.* part of the money taken from me by their arbitrary orders and Mr. Russell, their Treasurer for 5*l.* due to me for a fine, and I am to have a tryall with them. I am at a great disadvantage by reason of my distance from court; it is therefore my humble request to your Lordship to move that 2 or 3 committies may be appointed for this matter, when your Lordship, my Lord Hide and Mr. Chancellor of the Exchequer may be present, and the whole matter of fact examined and stated. There is reason not only to vacate their charter but to send over a prudent gentleman to be generall governor. If the party were so considerable as to revolt (as hath been sometimes suggested) their firſt worke would be to call me to account, but they dwindle away and are very much divided, magistrate against magistrate, the one hoping, the other fearing a change. There has been nothing but open contempt of all of his Majesties commands, with small evasions and tricks have followed and worse may be daily expected. One unhappy (if not willfull) mistake hath very much promoted these mischiefs, his Majestie hath been represented to this people very low in his treasury, unable and unwilling to give them any disturbance, though never so much provoked to it. Besides his Majestie has never called them to account for not ſending over Bellingham and Hathorne in 1666 when commanded upon their allegiance to attend at Whitehall and not ſo much as the leaſt notice taken of it ſince. They have been repreſented as dutiſfull and loyall and able to raife great forces and had subdued the wilderness at their own expenſe. Their forces are very incoſiderable,

inconsiderable, more for shew than service. I will engage with 500 of his Majesties guards to drive them out of their country. As for all the persons joyned and concerned in the faction here I know but one man who was not a servant or a servant's son, who now governe their governor and the whole country.<sup>297</sup> They call the money coyned in this colony, New England coyne, engageing the whole plantation in the matter of their mint and thereby bespeaking the influence this small government would have over all the neighboring colonys, but their ambition will shew itself upon all occasions ; they have been for many yeares designeing to control the generall government over the whole plantation, which, indeed, is absolutely necessary in his Majesties behalfe, but not to be managed by them."<sup>298</sup> On the same day Randolph wrote to Sir Lionel Jenkins complaining that bribery had been used in England by the colonists, that

"money

<sup>297</sup> Hutchinson in his note, *Collection of Papers*, Vol. II. p. 278, Prince Society, says : "This is a scandalous misrepresentation, unless he intended to save himself by supposing the governor and the whole country to be governed by a few, only, of those against whom he had just before exhibited articles of high misdemeanour." William H. Whitmore, the editor of the Prince Society edition, also adds a note : "It seems almost idle to add to Hutchinson's denial, but it is clear that this was only a random assertion in direct contradiction to Randolph's former statements. The governing clique of the Colony seems to have been very tenacious of its hold on the administration of affairs, and recent investigations tend to show that the principal families belonged to the rank of gentry prior to their emigration from

England. In the particular instance of Dudley Randolph was grossly wrong, as he was not one of the first adventurers, but was born here in 1647."

<sup>298</sup> *Ibid.*, Vol. II. p. 275. Mr. Randolph to the Earl of Clarendon, 14 June, 1682, *post*. Randolph refers evidently to the Confederation of 1643, in which Massachusetts, being more populous and wealthy than Plymouth, Connecticut, or New Haven, was the most prominent member. The Confederation lost its authority and influence gradually after the restoration of royalty in England. The last recorded meeting of the Commissioners of the United Colonies New Haven having been annexed to Connecticut, printed in the Plymouth records, was held on 24 March, 1678-79.

"money was disposed of to some persons then in Great Stations at Court: by whose assistance together with the Attorney Gen<sup>n</sup> S<sup>r</sup> William Jones their Councill, they avoided the alteration then intended by his Ma<sup>tie</sup> to be made in their Govm<sup>t</sup>. But S<sup>r</sup> William Jones & S<sup>r</sup> ffrancis Winnington have left their opinion upon record that the misdemeanours objected against do contain sufficient matter to avoid y<sup>e</sup> Patent but that cannot otherwise be done then by a Quo Warr<sup>to</sup>. Since then they have opposed his Ma<sup>ties</sup> letters patents and me in the execution of my Office. Endeavours are still used by the Phannatticks at home to keep up the minds of this faction by sending over heither all sorts of scandalous papers, as y<sup>e</sup> first second & third parts of *No protestant Plot* & severall papers in vindication of my lord Shaftsbury, but the newes of his Royall Highnes return to Court and the prosecuting the dissenters at home hath quite altred & lesned the party."

"We haue a report & wee hope tis true that My Lord of London is sending over to us an able minister: at which many hundred good people are highly rejoiced: their children being to this day un-baptized, notwithstanding his Maj<sup>ties</sup> Express Commands on that behalfe, nor are any persons admitted to the Sacrament but such as are of their Congregationall Church. Ever since his Ma<sup>ties</sup> happy restauration this Gom<sup>t</sup> have been justly complained of: warrs & other troubles arising at home haue prevented his Ma<sup>ties</sup> regulating these abuses: in the tyme of the Rebellion in Eng<sup>d</sup> S<sup>r</sup> Henry Vane & Hugh Peters disciples & friends gott into y<sup>e</sup> Gom<sup>t</sup> & saving y<sup>e</sup> Gou<sup>r</sup> & 8 or 10 honest Gent in y<sup>e</sup> Magistracy few or none but rigid Independents are in the Cheife

Cheife places Civill or Military. Nothing will reduce this place to their due obedience to his Ma<sup>tie</sup> and ease the poor Inhabitants of the intollerable burthen they have long tyme lain under but a Quo Warr<sup>to</sup> so often & so necessarily presd for. I question not but large complaints will be made against me but I have faithfully represented the publick proceedings of this place and for almost 7 yeares have attened his Ma<sup>ties</sup> service here. I humbly beseech y<sup>r</sup> Hon<sup>r</sup> to intercede with his Ma<sup>tie</sup> on my behalfe, and to remember that I am placed in a troublesome station, being to manage with a faction whose Christian Policy is to support themselves by false reports & Calumnyes." In a postscript he adds: "If the Agents return home with an Olive branch (as their ministers pray in their pulpetts) that branch may prove a fatall tree to me, at present Secure & very easy during their Agents Stay in Eng<sup>d</sup> for in respect to them they durst do no other."<sup>299</sup>

Not only did Randolph complain of the opposition to his collectorship, but he also complained that he was taxed unjustly by the colonial authorities, for his office entitled him, as he claimed, to an exemption from local taxation. Warm words passed between him and Elisha Hutchinson on the Exchange in regard to the matter, leading almost to blows. Hutchinson wished to fight on the spot, although only armed with a staff, while Randolph wore his sword by his fide.<sup>300</sup> Randolph writes, he "heares it [the tax] will be repay'd him and

<sup>299</sup> *State Papers, Colonial, Bundle 53 (27).* Randolph to Jenkins, 14 June, 1682, *post.*

<sup>300</sup> *Massachusetts Archives, Vol. CVI.* p. 263. Affidavit of Elisha Hutchinson, 23 June, 1682, *post.*

and he shall not be rated again."<sup>301</sup> His letters at this time are full of complaints, denunciations, and accusations. The faction, he says, consists of the Deputy Governor and six magistrates out of the twenty, but they and the major part of the deputies carry everything against the Governor. The Governor refused to grant a commission as naval officer to Mr. Russell, but the Deputy Governor not only gave him the commission, but administered the oath. "The Magistrates endeavoured to lay aside the Court of Deputies, but let the design fall for want of Courage. The Deputies would admitt of no alteracon in their old Law Books but will have all their old Laws stand. A strict summons ought to be sent to Mr. Danforth for his appearance at Whitehall. They continue to leavy ffines w<sup>th</sup> amount to about 400*l* p anñ. Their customs come to as much more. The excise two yeares since was farmed at 800*l* p anñ. The rates upon Boston come to about 1600*l* p anñ, a third of the whole Colony. They talk of fortifying the Islands under pretence of a fear of a Warr w<sup>th</sup> ffrance. Ships come in from all parts and enter in the new office erected by the Bostoners, I not being pmitted to see their Clearings from whence they pretend to come, w<sup>th</sup> Major Dudley will confess. The agents coming over not agreed upon till they heard that the dissenters in England were imprisoned & that a Quo Warranto was out ag<sup>st</sup> the Charter of London. Maj<sup>r</sup> Dudley will give a fight of their pri-  
vate Instructions, said to be saucy. The number of Danforths

Creatures

<sup>301</sup> *State Papers, Colonial, Bundle 53 (154).* Abstract of letters from Mr Randolph at N: Engl<sup>d</sup> 20 December, 1681 to 24 June, 1682, post. The ab-

stracts are not arranged in the Record office strictly according to dates. The same order is followed in the transcripts.

Creatures in the Magistracy & number of Electors w<sup>ch</sup> are 1800 whereof 500 not worth 100*l* each are the great hindrance of His Ma<sup>ts</sup> affaires." Having heard that Mr. Gookin had in his possession money belonging to the regicides Goffe and Whalley, he writes: "M<sup>r</sup> Goggins a Magistrate did manage a great stock for Goff & Whaley. I will enquire after it." At the same time he petitions the King to grant him in fee or give him a lease of, for ninety-nine years, a tract of land containing three or four hundred acres, granted formerly by Salem to Hugh Peters,<sup>302</sup> and forfeited by his treason. In the midst of his trials and difficulties he was cheered by the news that the Bishop of London had "sent over a minister with Mr. Cranfield; the very report hath given great satisfaction to many hundreds whose children are not baptized, and to as many who never since they came out of England received the sacrament. If wee are misinformed concerning your lordship's fending over a minister, be pleased to commiserate our condition and send us over a sober discreet gentleman. Your lordship hath now good security, as long as their agents are in England, for his civill treatment by the contrarie partie: he will be received by all honest men with hearty christian respects and kindnes, and if his Majesties lawes (as none but fanaticks question) be of force with us, wee could raise a sufficient maintenance for divers ministers out of the estates of those whose treasons have forfeited them to his Majestie. I question not but your lordships

<sup>302</sup> *State Papers, Colonial, Bundle 53 (154).* Abstract of Letters from M<sup>r</sup> Randolph at N<sup>t</sup> Engl<sup>d</sup>: pof.  
Hugh Peters came to New England in 1635. Succeeded Roger Williams

in the church at Salem. Espoused the Parliamentary cause upon his return to England. Was executed 16 October, 1660.

ships unspotted loyalty to his Majestie, and charitie to us his dutifull subjects, will now engage your lordship timely and vigorously to affist to reduce this faction. I had rather take a voyage to England, if commanded, to make out my allegations, than to have this matter [the settlement of the plantation] passed over and hursht up upon bare pretences and promises."<sup>303</sup> Before sending this letter to the Bishop, who was one of the Committee of Trade and Plantations, he had made on the 29th of June a journey to Piscataqua to seize a vessel, but he was frustrated by the naval officer. He then attempted on July 6th to seize some goods at Salem, but he and four of his men were arrested and the men kept in prison. On the 25th he brought suits against two vessels at Boston, but the suits were postponed, and the court would not fix a time for the trials, although suits against him and his deputies "were suffered to proceed, and 14<sup>l</sup> damages was given against him, and 30<sup>l</sup> against his deputies. Through these discouragm<sup>ts</sup> he can gett no men to affist him. The people in generall do all they can to countenance the irregular trade."<sup>304</sup>

He had hoped that the presence of the agents in England, who could be detained there as hostages, and the threat of a quo warranto, would serve to protect him and his deputies from affronts, but in this he was mistaken. Action was brought against Daniel Matthews, his deputy searcher, and damages awarded against him and his assistants to the amount

<sup>303</sup> *Hutchinson's Collection of Papers*, Prince Society, Vol. II. p. 279. Mr. Edward Randolph to the Lord Bishop of London, 14 July, 1682, *post.*

<sup>304</sup> *Massachusetts Archives*, Vol. LXI. p. 250. Extract of Mr. Edward Randolph's Letter, 31 July, 1682, *post.*

amount of £307, for having seized a vessel, "for w<sup>ch</sup> they are taken in execution." Randolph himself was "served w<sup>th</sup> an Execution for 100*l* ag<sup>st</sup> his body and goods to deliver y<sup>e</sup> Sloop Swallow (seized by him for the King in June last). He is again taxed towards y<sup>e</sup> publick charge, altho' he hath shewed the Governor & some of the Magistrates the opinion of M<sup>r</sup> Attorney Gen<sup>ll</sup> that by their Charter they have no power so to do. He is also informed that he is p<sup>r</sup>fented by the Grand Jury for endeavoring to subvert the Government."<sup>305</sup>

"Some of y<sup>e</sup> Inhabitants have been forbid to entertain or employ any of Randolphs Rogues. I dayly expect my goods to be taken out of my house to be sold for non-payment of taxes. His Ma<sup>ties</sup> letters are no more regarded here then Gazetts: & nothing but a Quo Warr<sup>to</sup> against their Charter will rectifie & thereby bring honest & able Gent into y<sup>e</sup> Gom<sup>t</sup> now kept out of all places of Creditt & trust, as not long since in the Rump Gom<sup>t</sup> in Eng<sup>d</sup>. I impatiently expect to see the effects of his Ma<sup>ties</sup> Justice upon y<sup>e</sup> open Contemners of his lawes & Commands, as also the welcome Release of many hundred loyall Inhabitants kept in bondage in this place of pretended Liberty — in their Consciences and Estates — of which for any of them to complain is death by their late Law. No person here can be a Magistrate but he must be a Church member and none admitted to be a freeman without the approbation of some of their ministers, mostly Independents, who are inspired and encouraged by the Non Conformists in Eng<sup>d</sup>, & with all that the ffreemen of this Colony are not the

8<sup>th</sup>

<sup>305</sup> *State Papers, Colonial, Bundle 53* (30). Complaints made by Randolph, 7 August, 1682, *post*.

8<sup>th</sup> part of the Inhabitants. Those who have good estates would rejoice to see a happy settlement of all the Colonyes under one Gen<sup>l</sup> Gov<sup>r</sup>, the onely way to secure & protect these in their Just rights & propertys." <sup>306</sup>

The agents arrived in England on August the 20th,<sup>307</sup> and found themselves surrounded with difficulties and the country in a state of great excitement, the quo warranto against London not having yet come to trial. Mr. Richards wrote: "I feare, if mercy prevent not, the dissolution of our Governm<sup>t</sup> is intended. It is a hard service we are engaged in. We stand in need of helpe from Heaven." <sup>308</sup> They were called before the Committee on the 24th, and ordered to bring, in a week's time, their written report "of the several particulars wherein they have obeyed His Ma<sup>ties</sup> Commands heretofore signified to them." <sup>309</sup> One of the four members of the Committee before whom they appeared was the Earl of Clarendon, whose animosity towards Massachusetts had been sharpened by Randolph's account of the manner in which the late Earl had been treated by the former

<sup>306</sup> *Ibid.*, 53 (29). Letter from Randolph to . . . 7 August, 1682, *post*.

<sup>307</sup> "Agents from Boston arrived in England," 20 August, 1682. Randolph's Short Narrative in *Massachusetts Archives*, Vol. CXXVII. p. 218-220, *post*.

<sup>308</sup> *Massachusetts Historical Society Collections, Fourth Series*, Vol. VIII. p. 494. Letter of John Richards to Rev. Increase Mather. "London Aug. 21. 1682. Affaires here very perplexed. Jealousies & animosities encreasing. Dissenters suppressed, their meetings prevented by soldiers. The Duke of Yorke had like to have been lost on the Sands

in his voyage to fetch the Dutchesse. They have arrived at St. James's. The Quo Warranto ag<sup>st</sup> the City is to be tryed next tearme. Great strugglings here as to the choice of Sheriffs. The King is resolved to regulate that election, to prevent such Juries as have been formerly chosen. Our affaires under great disadvantages. What ever is objected or reported against us findes great credit. We are rep'rented such a people as need great Regulations."

<sup>309</sup> *State Papers, Colonial, Entry Book* 107, p. 47. Addres from New England, &c. 24 August, 1682, *post*.

former agents of the colony. "Be pleased to remember from the time your Lordships honorable father, the late Lord Chancellor engaged with their agents in 1662, who undertooke and assented to every thinge his Lordship proposed for his Majesties honour and the benefit of his subjects here inhabiting there has been nothing but open contempt of all of his Majesties commands."<sup>310</sup> The Earl appears to have been generally at the meetings of the Committee, and the Bishop of London was also often present. The week having elapsed, the agents delivered to the Committee a written "account of y<sup>e</sup> proceedings of y<sup>e</sup> Massachusetts in obedience to His Majesties Letters dated the 24<sup>th</sup> of July, 1679, the 30<sup>th</sup> of September, 1680, and 21<sup>st</sup> of October, 1681, which being read they are ordered to produce the proofe of what they allege. They are also asked if they have brought with them any Comission or Powers from their Principals to agree upon such a regulation of their Charter as should be thought fitt and for the rectifying the abuses which should appear to have been committed by them." They declare they have no such powers, but say they do not doubt whatever may be commanded by the King will be dutifuly obeyed, and add they have some instructions which they promise to shew to Mr. Secretary Jenkins.<sup>311</sup> The instructions having been examined and found to be unsatisfactory, and the agents declaring they had not brought with them

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<sup>310</sup> *Hutchinson's Collection of Papers*, to regulate Charter, 31 August, 1682, Prince Society, Vol. II. p. 275. Mr. Randolph to the Earl of Clarendon, 14 June, 1682, *post*. Also *State Papers, Colonial, Bundle 53* (33). Answers from the Massachus-

<sup>311</sup> *State Papers, Colonial, Entry Book 107*, p. 50. Agents have no power to heads of several of his Majesty's Letters, 29 August, 1682, *post*.

the deeds of conveyance of the Province of Maine from Mr. Ferdinando Gorges, and declaring further they had no power to consent to the regulation of their Government, the committee agreed to report to the King, asking him to order the agents to procure full powers, "in default thereof, His Maj<sup>tie</sup> will cause a Quo Warranto to bee brought against the Governor and Company for their abuses of their Charter." <sup>312</sup> The order in Council was accordingly given on the 20th of September, threatening that in case of non-compliance a quo warranto would be brought "on the first day of Hillary terme next." <sup>313</sup>

While these events were taking place in England, Randolph appealed to the King from the decisions of the local courts, praying that as his appeal was not allowed of in Massachusets it might be "entred in the Booke for Councill causes and that Summons might be issiued forth to caufe the severall defendants to appeare att your Councill Chamber and answere your Ma<sup>tie</sup> upon the said Appeal." <sup>314</sup> He also

<sup>312</sup> *State Papers, Colonial, Entry Book 107*, p. 56. Lords not satisfied: Agents must procure full Commission, &c. 12 September, 1682, *post*. The Earl of Clarendon, the Bishop of London, and Secretary Jenkins, were present at the meeting.

<sup>313</sup> *Massachusetts Archives*, Vol. CVI, p. 268. Order of Council that the Agents have sufficient power. 20 September, 1682, *post*. The Earl of Clarendon was among those present and Secretary Jenkins.

*Massachusetts Historical Society Collections, Fourth Series*, Vol. VIII. p. 490. Letter of John Richards to Rev. Increase Mather, dated "London, Sept. 25. 1682. They have put us to a

hard choice, either to empower psfons fully instructed to accept of such Regulations of our Government as shall be propounded, or else a *Quo Warranto* will within 4 months proceed against our charter. The great thing now talked of is the seizure of the Duke of Monmouth in his progres at Cheshire on accompt of a Riott. Great endeavours in this Cityt on both sides (the Court & city pty) about election of Sheriffs. Can the Court prevail, Juries more fitt to serve the king would be procured, which some are affrayed of. About Bristol the dissenters miserably harassed. They say 1.300 prosecuting now, upon the Acts against non-Conformists."

<sup>314</sup> *Massachusetts Archives*, Vol. CVI, p. 259.

also exerted himself to effect the liberation from prison of his deputies Matthews and Reeveley, urging the Governor to exercise his authority, for which he would be justified in law, as they had acted under lawful commands, "upon the Security of y<sup>e</sup> warr<sup>t</sup>," and offering his personal security, not being able to procure bail from any one in the colony. Both were ill from their close confinement. "Should they miscarry under this Confinement, their lives as well as their libertyes must be severely accounted for: their enlargem<sup>t</sup> & satisfaction for their false imprisonment is the least amends can be made them, but if that will not be harkned unto I hope the tender of my Security cannot reasonably be denied."<sup>315</sup>

Having written repeatedly to England that, if commanded, he would go to Whitehall at any time to prove his allegations against Massachusetts, the Committee decided on the 30th of September to send for him, "in order to attend the further progres<sup>s</sup> of the busines<sup>s</sup> of New England, either in the Regulation of the Government upon the receipt of the powers which his Ma<sup>ty</sup> has directed to be sent over to their Agents here, or in default thereof, in the prosecution of the *Quo Warranto* intended to bee brought against their Charter."<sup>316</sup> The order was not received before December the 20th, and Randolph was not able to reach England until 28th of May, 1683.<sup>317</sup>

In

p. 259. Petition and appeal of Edward Randolph to the King on his seizure of severall vesfels. Sept. 1682, *post*.

<sup>315</sup> *State Papers, Colonial, Bundle 53* (47). Randolph to Bradstreet about Dan<sup>l</sup> Mathews, 21 September, 1682, *post*.

<sup>316</sup> *State Papers, Colonial, Entry*

*Book Journal Board of Trade*, 107 (64). Randolph ordered to come to England 30 Sept., 1682, *post*. Prince Rupert, the famous cavalry officer during the civil war, was present at this meeting of the Committee.

<sup>317</sup> *Randolph's Narrative, post*. "Dec. 20. I received orders from the Lords of

In the mean time Mr. Cranfield had arrived and taken possession of the government of New Hampshire, being sworn to office on October the 4th, Mr. Robert Mason becoming at the same time a member of the Council. On the same day Mr. Randolph's commission as collector was ordered to be recorded at Portsmouth, so as to give him jurisdiction over the province.<sup>318</sup>

A few days later Randolph sent a memorial to Governor Bradstreet, demanding for the second time the repayment of the money taken and detained from him, as he claimed, illegally, and threatening in case of non-payment to sue the agents of the colony in England. The magistrates yielded to his demand by voting to refund the amount claimed, but the deputies do not appear to have given their assent.<sup>319</sup> Among other fines detained from him was one paid by Timothy Armitage, who claiming that the law, under which he had been fined, "was never published by order of this Generall Court, as the Law directs, & consequently no Law

of

of the Committee to Returne to England to prosecute a Quo Warranto against the Boston Charter." "28 May 1683 I arrived in England."

<sup>318</sup> *Transcripts of New Hampshire Documents*, by J. S. Jennefs, p. 113. "At a Council held at Portsmouth October ye 4<sup>th</sup> 1682 Edward Cranfield, Esq. his Ma<sup>ts</sup> Lieutenant Governor and Commander in chief of this his province of New Hampshire took y<sup>e</sup> oaths of allegiance and supremacy. Robert Mason was in like manner sworne. Ye Governor and Council subfcribed ye Test or abjura<sup>cōn</sup> of Transubstantia<sup>cōn</sup> in y<sup>e</sup> Holy Sacrament of y<sup>e</sup> Lords Supper. His Ma<sup>ts</sup> Commission appointing Edward

Randolph Esq. Collector, Surveyor, and Searcher of his Ma<sup>ts</sup> Customs in New England bearing date Oct. 15, 1681 was ordered to be recorded."

<sup>319</sup> *Massachusetts Archives*, Vol. CVI. p. 269. Memorial of Edward Randolph respecting money illegally taken from him. 13 Oct. 1682. Vote of Magistrates, 18 Oct. 1682, *post*. According to his statement £940 were due to him, and £940 to the King.

*State Papers, Colonial, Bundle 53* (129). An account of money arising and due to his Ma<sup>ts</sup> upon seizure of y<sup>e</sup> following Ships & Comodities 17 November, 1682, *post*.

of this Jurisdiction," petitioned for a new trial. The deputies granted the petition, but the consent of the Magistrates does not appear in the records.<sup>320</sup> Randolph mentions this case among others in his letter of November 13th, to Sir Lionel Jenkins, and adds, "I have this yeare made severall seizures for his Ma<sup>tie</sup> & brought them to Tryall in y<sup>e</sup> Courts in Boston, but in very plain cases am cast by the Juryes, who upon the L<sup>d</sup> Shaftesbury & others being cheered at y<sup>e</sup> Old Bayley take the like confidence and are as arbitrary here. Who would beleive that during the tyme their Agents are accounting for former Contempts they should be so daring as to denye appeals to his Ma<sup>tie</sup> in Councill from their Courts."<sup>321</sup> To add to his trials and anxieties his wife, to whom he was attached, became very ill in November and died the next month, "her heart broken by the troubles I met with."<sup>322</sup>

In the latter part of December he travelled to Portsmouth to attend the trial of a Scotch vessel which he had seized in October.

<sup>320</sup> *Massachusetts Archives*, Vol. CVI. p. 270. Petition of Timothy Armitage. Vote of Deputies, 17 October, 1682, *post.*

<sup>321</sup> *State Papers, Colonial, Bundle 53* (39). Randolph to Jenkins, 13 November, 1682, *post.*

For Lord Shaftesbury's trial, see *Constitutional History of England*, by Henry Hallam, Vol. II. p. 424, ed. 1861.

<sup>322</sup> Letter of Randolph to Sir Robert Southwell, 1 August, 1685, in the collection of *Sir Thomas Phillips, post.*

*Massachusetts Historical Society Collections, Fourth Series*, Vol. VIII. p. 388. Letter of Rev. Cotton Mather to John Richards, residing at the Sign of the Ship in Fan-church Street, London.

"The Infolent Tobias R. [Randolph] (there are Three or Four Names equally applicable to that Canine Initial Letter!) was born to do mischief; Tho: the poor man has been of later months very pittifully of it by straits, & discomposures in his family — (His wife in particular now Lyes neer death, if she ben't already as before wee are aware wee are prone to wish her husband) And hee that makes disturbances in a greater Family is but retaliated by such a punishment. Boston, N. E., 13<sup>th</sup> 9<sup>m</sup> 1682."

*Ibid., Fifth Series*, Vol. VIII. p. 434. Letter of Wait Winthrop to Fitz John Winthrop, December, 1682. "Tomorrow Mrs Randolph is to be buried."

October. Orders had been given to the Captain of the fort not to allow her to escape, but two days before the time fixed for the trial the vessel was "suffered to pass the fort and not one shot made at her." The Court then adjourned for a week, when "the Jury encouraged by the Arbitrary and Successfull Verdict of the Lord Shaftesbury's Jury at the Old Bailey (now become a leading President [precedent] to the factions here) find directly against the Act made in the 12<sup>th</sup> of the King, and bring in a verdict with costs against his Ma<sup>tie</sup> which the Govern<sup>r</sup> highly resented it being a contrivance and combination of their Minister [Rev. Joshua Moody] a rigid Independent, and some Church members of which Society is Stillman [captain of the fort], Jeffries the pretended Owner of the Ketch a Scotchman and four of the leading men of that Jury." Governor Cranfield suspended the captain immediately, and sent word to the Governors of Barbadoes and Jamaica, and the consuls at Madeira and Fayal, to seize the vessel and cargo, and "hath directed me to prosecute the Jury by Attaint or otherwise, and all other persons who shall be found contrivers in this escape. I hope to find a Jury who will attend their Oaths and duty, att my next tryall, where if they find for his Ma<sup>tie</sup> in my Attaint of the former Jury, I shall catch some of the great promoters of this late designe, But so long as the Bostoners by this thriving practice of Juries finding ag<sup>st</sup> his Ma<sup>tie</sup> in plaine Cafes, wherin Law and Evidence direct the contrary, these hope to escape & continue their interloping." "Besides, it will be very difficult to enforce the Acts of Trade on account of the proximity of Maine, where there are many creeks

creeks running into the sea, unlesſ that province is annexed to New Hampshire.”<sup>323</sup>

Matters in England were at this time so threatening that the agents wrote discouraging letters and wished to obtain a dismissal from their employment, to be kept secret, but which could be used at any time. Mr. Richards wrote: “Here hath been much labour with corporations in reference to their Charters. Many have submitted to the King’s pleasure. Some, espetially London & Oxford, abide the Tryall, which

<sup>323</sup> *State Papers, Colonial, Bundle 57* (517). From Mr Randolph to y<sup>e</sup> Com<sup>mee</sup> 30 December 1682, *post*.

Governor Cranfield wrote also to the Committee, giving an account of the escape of the vessel, and adding that the “preachers exercise a countermanding power to the King’s authority and it is not in my power long to continue y<sup>e</sup> good government of this province unlesſ it be given me in command by order from his Mat<sup>y</sup> and also from my Lord of London under whose Dioces the fforeign plantations are to remove all such preachers who oppose and endeavour to disturb the peace of this Government which method wilbe necessary to be obſerved in the Settlement of the Bostoners Colony and also in the Province of Maine from which I can only expec<sup>t</sup> tricks and trouble till annexed to this Govermt.” See *Jenness’s Transcripts*, 30 Dec. 1682.

Mr. Cranfield had already written that it would be difficult to establish the Anglican Church in his province. “Touching Ecclesiastical matters, the attempting to settle y<sup>e</sup> way of y<sup>e</sup> Church of England I percieve wilbe very grievous to y<sup>e</sup> people, However Mr<sup>r</sup> Mason affertered y<sup>t</sup> their Inclinacons were m<sup>ch</sup> y<sup>t</sup> way. Introducing y<sup>e</sup> way of y<sup>e</sup> Church

of England will not be practicable here, as I have particularly by a L<sup>t</sup> to each informed His Grace y<sup>e</sup> L<sup>d</sup> Arch-Bishop of Canterbury and y<sup>e</sup> L<sup>d</sup> B<sup>p</sup> of London.”

*Ibid.*, 1 December, 1682. The letter to the Archbiſhop of Canterbury is undoubtedly the unsigned letter attributed to Randolph in the *New England Historical and Genealogical Register*, Vol. XXXVII. p. 267, in which it is said the people “are wholy averse to y<sup>e</sup> Discipline of the Church of England th<sup>t</sup> it hath otherwife been repreſented by Mr<sup>r</sup> Mafon, who hath brought over Common prayer Bookes from my Lord Biſhop of London. I am sorry yt I am able to give your Lordship no more pleasing an account concerning them but this is the truth of y<sup>e</sup> Matter as farre as I can learn.”

At the beginning of his administration Cranfield appears to have leaned to the side of the colonists in their disputes with Mr. Mafon, and he fully confirms the aſſertion of the Massachusetts authorities that they extended their jurisdiction over the province only at the request of the inhabitants, and had ſpent much in defending the territory, for which the colony had received no compensation.

which proceeds but slowly. Bermuda's Charter is under *Quo Warranto*. It is a sorrowful time with the Dissenters. The Whig pty (as they call them) are under many feares." <sup>324</sup> The Court party seemed everywhere triumphant. To the King's prerogative all were apparently submitting. It was, therefore, reasonable for Randolph and Cranfield to suppose that the opposition in Massachusetts to the royal commands would fall before vigorous measures. Cranfield urged that not only a quo warranto should be issued against the colony, but also that all the Congregational ministers should be displaced at the will of the governor,<sup>325</sup> they having great influence over the people.

## Preparatory

<sup>324</sup> *Massachusetts Historical Society Collections, Fourth Series*, Vol. VIII. p. 498. Letter of John Richards to Increase Mather. London, Decm. 12. 1682. "Mr. Baxter's house broken open & his person and goods seized (he was afterwards released). The Duke of Yorke recovered this last Terme one hundred thousand pounds against Mr. Pilkington, one of last yeares Sherifs on an action of *Scandalum Magnatum*. The like Action is depending against one Arrowmith, an apothecary, of 50.000*l.* The Earle of Shaftesbury gon to Holland. Mr. Fergeson [Ferguson] a minister gon to Holland. They say he wrott the no Protestant Plott. Prince Rupert dyed Novem. 29<sup>d</sup> past."

<sup>325</sup> *Transcripts of New Hampshire Documents*, by J. S. Jenness, p. 134. Mr. Cranfield to the Lords of the Committee 10 January, 1682-3. "My last was from Boston where I spent time enough to pry into some of the Secrets of the ffaition. If his Majy shall think fitt to send a Quo Warranto to Mr. Randolph and shew the Governor Magistrates & General Court that in one hand

and a Commission with a General pardon in the other hand I have good assurance from both parties the letters will have a kind reception, without putting his Majy to any further trouble or charge, they will Swallow all that is in my Commission. It is absolutely necessary that all the preachers are to be placed or displaced as the Governor shall think fitt for I find they have so great an influence upon the people. As to other matters relating to the Bostoners I suppose yo<sup>r</sup> Lordships will have an Account from Mr. Randolph who is well acquainted with the humour of the people and will give yo<sup>r</sup> Lord<sup>s</sup> the names of fitting persons to be putt into the Commission as a Councill when his Majy shall think fitt to reassume that Government. Mr. Randolph hath gone thro' many difficulties and troubles in his imployment, but that wilbe soon over, if he have the same affiance in other places as I shall be able to give him when I have my Commission of Admiralty enlarged." Mr. Cranfield wished to have his jurisdiction to extend "from Kenebeck river in the province of Maine to ffairfield

Preparatory to starting for England Randolph wrote to Governor Hinckley of Plymouth, requesting him to come to Boston at the beginning of March, as he would not return from Piscataqua, whither he was going in February, much before that time, and expected to sail the middle of the month, in order "to adjust the matters of our Colony."<sup>326</sup> Randolph had been admitted a freeman of Plymouth on 7 July, 1680, and had intimated he would use his influence in obtaining a charter for the inhabitants,<sup>327</sup> which they had been hoping to procure for several years.<sup>328</sup> He also wrote a letter, a long letter, to Governor Bradstreet, who had requested him to do nothing upon his arrival in England that might harm the country, in which he reviews the whole series of disputes between the King and the colony. In it he attacks what he intimates is the hypocrisy of the magistrates: "What will your messengers say, when that at the same

field in Connecticut Colony." Cranfield wrote again on the 23. speaking of a tender of £2,000 to be made by the agents "for a pardon though I was certain it would not be accepted yet it was a kind of pleading Guilty. The dissolution of that government is of so great an importance that one hundred thousand pounds could not make good the loss his Maj<sup>y</sup> would sustain in a few years were they tollerated. They will be at no further expense in defence of their Charter knowing themselves to be notorious offenders." In his letter of December 30th he spoke of the wholesome effects produced by the presence of a vessel of war: "the sight of the Lark frigot in their harbour putt an Awe upon them."

<sup>326</sup> *Massachusetts Historical Society Collections, Fourth Series*, Vol. V. p. 82. Edward Randolph to Thomas Hinck-

ley, 22 January, 1682-3, *post*. This letter he wrote, as he adds in a postscript, "from Mr. Rawson's house: who is very ill of a cough, the common dis-temper of this place."

<sup>327</sup> *Plymouth Colony Records*, Vol. VI. p. 46. "M: Randolph was admitted to be a freeman of this corporation and sworn 7 July 1680."

<sup>328</sup> *Massachusetts Historical Society Collections, Fourth Series*, Vol. V. p. 74. Letter of Thomas Hinckley to William Blathwayt, 18 November, 1682. "We were not out of hope but that we might receive some account of that affair [the charter to Plymouth] from yourself, especially when Governor Cranfield should arrive; but were informed per Mr. Randolph that there was no news by him from you of our affair."

fame time in their Addrefs to his Maj<sup>tie</sup> they make a large enumeration of such and so many blessings and advantages, arifeing to this Colony thro' the ffavour of his Maj<sup>ties</sup> Royall ffather of happy memory and his Maj<sup>ties</sup> owne propitious inclinations towards you ever fince his happy Restauration, that you cannot easely represent or express your gratetude to Almighty God, att the fame time by instructions given your meffengers you putt very little confidence in his Maj<sup>tie</sup> or the Lords of his most Hon<sup>ble</sup> Privy Councill as appears by advices lately come to my hand from Whitehall." Among thoſe instructions are written, "wee likewife humbly conceive that this Hon<sup>ble</sup> Court ought to uſe utmoſt care and caution that no Agents of ours ſhall act or have power to act anything that may have the leaſt tendency towards yealding up or weakening this Govermt as by Patent eſtabliſhed. It is our undoubted duty to abide by what rites and Priviledges the Lord our God in his mercifull Provi- dence hath beftowed upon us, and whatever the Event may bee the Lord forbids that wee ſhould bee any way active in parting with them." He then ſays plainly that the King has power to put the colony "out of his allegiance and protection," even without a quo warranto, on account of their illegal proceedings. "By the Acts of Trade you ſtand, in regard to the trade in the plantations, upon an equal footing with ſubjects in England, but if you do not conform to thoſe acts the King may by his Royall Proclamation debar and exclude your ſhipping from further injoyment of that liberty." He warns them not to truft to their numbers and strength to obtain a pardon from the King. "Certainly 'twill not alwayes prove ſafe ſtill to go on upon a confidence that

that the whole Countrey will affist and stand by you, In hopes att Last from your Numbers to obtain a generall pardon. As to the neighbouring Colonies 'tis their intrest to bee quiett and hold a faire correspontance att Whitehall, the Majority of the freemen with a farr greater number of the unfreemen in this Colony will decline when they finde themselves deluded, But especially when their estates must bee accountable for the miscarriages of their representatatives. However (notwithstanding the frequent abuses offered to me and mine w<sup>ch</sup> I heartily forgive) I shall not bee wanting to do all good offices to this Countrey, upon their humble Submission to his Maj<sup>ties</sup> first made, And endeavour to procure his Maj<sup>ties</sup> Royall Pardon to all the Inhabitants of this Colony, Likewise for the continuance of the free Exercize of Liberty of Conscience in matters of Religion, And Lastly that no money may bee raised in this Colony but by consent of the people. These I looke upon as Essentially necessary to the common Benefit of this Plantation, As for other occurrences your messengers are attending and most proper to solicite on y<sup>t</sup> behalfe. Now in regard these papers are of Generall concerne pray Lett them be read with y<sup>e</sup> inclosed copyes in the Generall Court this next Session." <sup>329</sup>

A few days before sending this letter to the Governor, Randolph's brother Bernard arrived from England to act as Deputy Collector during Randolph's absence,<sup>330</sup> but he was

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<sup>329</sup> *State Papers, Colonial, Bundle 54 (125).* Mr Randolph's Letter to ye Governor, 5 february 1682-3, pof.

<sup>330</sup> *Massachusetts Historical Society Collections, Fifth Series,* Vol. VIII. Part IV. p. 434. Letter of Wait Win-

throp to Fitz-John Winthrop, 5 Feb. 1682-3. "A few days since came in Capt<sup>r</sup> Genner from London. Mr Randolphs brother came in Genner." Bernard was born in Canterbury in 1645, and was the author of "The Present State

so harshly treated in the discharge of his duties that in a few months he returned to London to lay his complaints before Sir Lionel Jenkins, and the Lords of the Treasury.<sup>331</sup> Another brother, Gyles, came from England later, being commissioned as Deputy Collector on 26 November, 1683. Upon his death, probably in the spring of 1684,<sup>332</sup> Bernard came a second time to Massachusetts to succeed him.<sup>333</sup>

Governor Cranfield took advantage of Randolph's voyage to England to put under his care Edward Gove, who had been sentenced to die for "raifeing a Rebellion" in New Hampshire, there being no safe place of custody in the Province.<sup>334</sup> Randolph took upon himself the cost of transporting

*State of the Islands in the Archipelago*, Oxford, 1687, and "The Present State of the Morea," Oxford, 1686, London, 1689. See note by Colonel Hoyt in *Historical Papers*, of C. W. Tuttle, pp. 290, 291.

<sup>331</sup> *Historical Papers*, of C. W. Tuttle, p. 291. Under date of June 13, 1683, Bernard wrote to his brother Edward as follows: "I have received many affronts since my being in the office you left me, and cannot have any justice. I ordered Gatchell to go aboard a sloop at Marblehead to search her. The constable had his staff taken out of his hands, his head broke therewith. Gatchell was shrewdly [severely?] beaten. I have been very uneasy, but with my life and fortune will ever serve His Majesty." *Colonial Papers*, quoted in *Palfrey*, Vol. III. p. 375.

<sup>332</sup> *Jennefs' Transcripts*, pp. 143, 145. Letter from Mr. Cranfield to the Committee, 19 June, 1683. "M Barnard Randolph Deputy Collector comes home with fresh complaints against the Boston Govm<sup>t</sup> of some I have beeene an eye

Witnes off. He has beeene so ill treated in the Execution of his place that hee is compelled to quitt the Kings service." *Ibid.*, p. 151. "He goes to England to make his complaints to your Hono<sup>r</sup> and Lords of the Treasury." Letter to Sir Lionel Jenkins, 19 June, 1683.

<sup>333</sup> *Transcripts of New Hampshire Documents*, by J. S. Jennefs, p. 157. Letter of Governor Cranfield to the Committee, 14 May, 1684. "Mr Randolphs Brother whom he left his Deputy is dead."

<sup>334</sup> *Mather Papers*, Vol. V. p. 68. MS. in Boston Public Library. Letter of Randolph to Samuel Shrimpton, 18 July, 1684. "I send my Brother over to succeed my Bro. Gyls, and Mr. Thatcher is no longer to be concerned, as I now writ to him," post. Mr. Thatcher had undoubtedly been appointed to fill the office of deputy collector temporarily.

<sup>335</sup> *Transcripts of New Hampshire Documents*, by J. S. Jennefs, p. 152, etc. Letter of Cranfield to Sir Lionel Jenkins, 20 Feb. 1683. "I send upon the ship

ing the prifoner, to be reimbursed in England. He treated the prisoner with kindness, as was acknowledged by Gove, when Randolph exerted himself, successfully, to have him released

ship Richard of Boston under Mr Randolphs care Edwin Gove an Af fsembly man who served for the Tovne of Hampton condemned to dye for raiſeing a Rebellion in this Province, their being no Gaol fitt to ſecure and I cannot with ſafety keep him longer in custody. M<sup>r</sup> Randolph hath been very diligent and made five Journy's in the Extremety of weather from Boston aboue 70 miles diſtance from hence, and now being order'd to attend att White-hall, takes upon him the trouble and charge of Goves tranport, which I could by no means propoſe to bee advanced to him, out of the ſtock of this Province in regard to the extryordinary expence occationed to the inhabitants by Goves iſurrection Neither ſhall I adventure to call another Aſſembly till I heare effectually from England. I therefore intreat that the charges of Goves paſſage may be allowed to M<sup>r</sup> Randolph. If Gove Eſcape the Sentence of the Law there is an end of his Maj<sup>y</sup> buſineſſ in New England. I beleive upon good grounds that ſhould his Royall Highnesſ [Duke of York, afterwards James II.] furviewe his Maj<sup>ie</sup> Such is their Generall Averſion encouraged and buoyed up by the Nonconform<sup>t</sup>s Party in England that at once they will fall off from their Allegiance to the Crowne. The Minifters in New Eng-land are generally more absolute and in- dependent in Praſtize then in their Principalls, they intermeddle in all mat- ters of Goumt. I found ſome of them ſcrupling to preach upon the 30: Janu- ary [anniversary of the execution of Charles I.] which by Proclamation I have ordered Annually to bee obſerved

in this Colony. I did also propoſe to the Minifters as an Eſſentiall part of their Office the Baptizing of children and admiſttering the Sacrament which Gove att his Tryall did objeſt againſt as a high crime and innovation. There can be no greater evill attend his Maj<sup>ies</sup> affairs heere then thoſe pernicious and Rebellious principles which flows from their College at Cambridge which they call their University from whence all the Tovnes both in this and the other Colonyes are ſupplyed with ffactionous and Seditious Preachers who fir up a diſlike of his Maj<sup>ie</sup> and his Goumt and the Religion of the Church of England terming the Liturgy of our Church a preident of Superition and picked out of the Popiſh dunghill ſo that I am humbly of opinion this Country can never bee well ſettled or the people become good Subjects, till their Preachers bee reformed and that College ſuppreſſed and the fevall Churches ſupplyed with Learned and Orthodox Minifters from England as all other his Maj<sup>ies</sup> Domini- ons in America are. I make it my humble request to his Maj<sup>ie</sup> that M<sup>r</sup> Randolph who underſtands well his Maj<sup>y</sup> iſteſt and the humour of the People and hath beeene uefull to me ſince my arrivall may bee diſpatcht back hither with full iſtructions and the countenance of a ffrigott."

*Massachusetts Archives*, Vol. III. p. 463. Randolph's account of the Rebellion, *poſt*; also *History of New Hampshire*, by Jeremy Belknap (Farmer), Vol. I. p. 193, who speaks of Gove as "declaring by ſound of trumpet for liberty and reformation."

released from imprisonment in the Tower of London some time later. Gove's crime consisted in brandishing his sword at the head of a few armed followers on horseback, shouting for liberty and crying out that their privileges were taken from them, after the arbitrary dissolution of the Assembly by the Governor, and declaring that Popery was to be introduced by Cranfield, as Vice Admiral of the Duke of York, a known Papist.

While Randolph was busy journeying between Boston and Portsmouth, going no less than seven times within the space of a few weeks, notwithstanding the inclemency of the weather, the General Court met, and after reading the various disheartening and menacing communications from England, adjourned from day to day debating "about so momentous a discharg of their duty to God, his maj<sup>y</sup> and the concernes of the country." They decided at last to send a humble addrefs to the King, a petition from the inhabitants, fuller powers to their agents, and a letter to Sir Lionel Jenkins, and "ordered that there be a day of humilliation kept by this Court together on Tuesday next, being the 13<sup>th</sup> of this instant February, in the toune house, at eight of the Clock in the morning, and that the Reñend M<sup>r</sup> Mather & M<sup>r</sup> Willard be desired to preach, & as many of the reñund elders neighboring be by their deputies desired to be present, to implore divine direction and assistance in the weighty matters now before the Court."<sup>335</sup>

Before

<sup>335</sup> *Massachusetts Records*, Vol. V. p. 382. Meeting of the General Court of February, 1682-3.

In the *Massachusetts Archives*, Vol.

XXXIX. p. 785, under date of February 16, is a draft of an Order for an anfwer to complaint of M<sup>r</sup> Randall [Edw<sup>d</sup> Randolph] in England against some

Before embarking Randolph had an opportunity of seeing Governor Hinckley of Plymouth in Boston, and also Governor Cranfield, who deeming himself unsafe in New Hampshire had sought refuge there temporarily.<sup>336</sup> He received from Thomas Danforth a letter dated from Cambridge, April 2d, saying, "You are now committing yo<sup>r</sup> selfe to God's protection upon the mighty feas. God hath made you an eye & ear witnesse of the sincere desire of this poor people, with whom you have sojourned some years, to serve God & honour the King: resolve not, therefore, to be an enemy to them who have done you no wrong. I beg of you to read the 9 first verses of the ninth of Acts, & muse seriously thereon in y<sup>e</sup> night seafon; when you feel God's Holy Spirit communing with yo<sup>r</sup> soul."<sup>337</sup>

The

some of the court. "The deputyes being ignorant of the courts' proceedings in these matters desire o<sup>r</sup> hon<sup>d</sup> Majest<sup>s</sup> will please to consider of and draw such meet answers as may be forthwith sent to o<sup>r</sup> agents." The consent of the magistrates does not appear. The General Court passed an "Addition to the law, title Naval Office," enumerating the ports of entry, the penalty for not entering with the naval officer, etc. *Massachusetts Archives*, Vol. LXI. p. 251, 17 March, 1682-3, but printed in the *Massachusetts Records*, Vol. V. p. 383, under date of 9 February. The new law was made stringent and more in conformity with the English law, but its execution was left in the hands of officers appointed by the colony.

<sup>336</sup> *Transcripts of New Hampshire Documents*, by J. S. Jennefs, p. 139. Letter of Cranfield to y<sup>e</sup> Comm<sup>t</sup> March y<sup>e</sup> 27<sup>th</sup> 1683: "Severall persons well wishers to Gove's proceedings in a Riotous manner entered my dwelling house, as Mr Randolph who was present can informe

your Lordps. I found M<sup>r</sup> Moody and his party so Troublesome that I believed myselfe unsafe to continue longer amongst them till I had the continance of a ffrigott and full instructions to reduce them to a better understanding. This weeke I had an opportunity to converse with M<sup>r</sup> Hincklye Govern<sup>r</sup> and M<sup>r</sup> Lathrop one of the magistrates of New Plymouth Colony I find them weake men and very unfitt to be concerned in Govermt. I shall not give your Lordps any further Trouble reffering your Lordps to M<sup>r</sup> Randolph who has made it his sole busines to inspect and understand the methods and proceedings of the severall colonyes and is able to give your Lordps a full and perfect relation of the present distraection which hee hath luckily occasioned in this Government."

<sup>337</sup> *Massachusetts Archives*, Vol. CVII. p. 55. Letter of Thomas Danforth to Edward Randolph, Canb. 2. 2. 83, post.

The ship conveying Randolph carried also in all probability the papers referred to, including the address to the King from the inhabitants, stating that they do not wish a change in their government, which "hath been abundantly satisfactory to us," and praying the King "to dispell and scatter those clouds of feares which are risen in the minds of very many of y<sup>r</sup> good subjects least they should be deprived of those liberties and priviledges," to obtain the enjoyment of which they had run great hazards, encountered difficulties, and been at a great charge;<sup>338</sup> the address of the General Court begging the King to overlook past errors and mistakes, and "having already yielded willing obedience in many things, wee are further ready to make & receive all such regulations as may most fully adapt the administrations of y<sup>r</sup> maj<sup>ties</sup> Governm<sup>t</sup> here unto the rules of our charter;"<sup>339</sup> a commission to the agents empowering them jointly to consent to such regulations "as may consist w<sup>th</sup> the maine ends of or p<sup>r</sup>decessors in their removall hither, our charter and his maj<sup>ties</sup> Governm<sup>t</sup> here established;"<sup>340</sup> the instructions to Dudley and Richards ordering them "in no wise to consent to any infringement of our liberties & priviledges in matters of religion and worship of God; the present constitution of the Generall Court, consisting of Magistrates and the Deputies as the select representatives of the ffreemen being, without

<sup>338</sup> *Massachusetts Records*, Vol. V. p. 387. Inhabitants address to His Majesty, 30 March, 1683. This petition was to be presented by the agents "if they think it expedient."

<sup>339</sup> *Massachusetts Archives*, Vol. CVI. p. 267; also *Massachusetts Rec-*

*ords*, Vol. V. p. 385. Address to the King's Most Excellent Majesty.

<sup>340</sup> *Massachusetts Archives*, Vol. CVI. p. 290; also *Massachusetts Records*, Vol. V. p. 386. Commission of the Agents of Massachusetts, 30 March, 1683.

without doubt, agreeable to our patent, [which was always] to be understood in the most favorable sense for the planters, yow are therefore not to consent to any alteration thereof; yow are not to make any alteration of the quallifications of freemen that are required by law as at present established";<sup>341</sup> the Court's letter to the agents authorizing them to give up the Province of Maine, if that will help matters, but "be slow in tendering it, but if nothing that yow have power to doe will prevent a quo warranto (though wee hope otherwise) wee desire yow well to advise whether it were best to make dispute, and be sure yow spend little or no money therein, unles yow cann have very good assurance that it may be substantially made & mainteyned by law. And if his Maj<sup>ty</sup> will take away our charter (notwithstanding severall intimations in his gracious letters to the contrary) and also dispossess us of the Province of Mayne, wee desire he may be humbly informed of our charge and disbursements, to the value of above tenn thousand pounds, for the preservation of the people there. If wee may not reteine the charter for said province, yett, yow may plead at least that wee may reteine the foile";<sup>342</sup> a letter from the Governor to Sir Lionel Jenkins respecting Mason's claims for lands about Cape Ann, informing him that there had been "no deniall of justice to the complainant, the local courts being open to him at any time, a month's

<sup>341</sup> *Massachusetts Records*, Vol. V. p. 389; also *Massachusetts Archives*, Vol. C VI. p. 290. Instructions for Jofeph Dudley and John Richards, Esq. 30 March 1683.

<sup>342</sup> *Massachusetts Records*, Vol. V. p. 391; also *Massachusetts Archives*, Vol. C VI. p. 273. Courts letter to our Agents. 30 March 1683.

month's notice being given in advance, but that Mr. Mason had done nothing, and that to our great wonder severall copyes of his Maj<sup>ties</sup> letters of June 23<sup>rd</sup> relating to M<sup>r</sup> Masons concernes, attested by M<sup>r</sup> Chamberlaine, Secre<sup>t</sup> of the Province of N. Hampshire were dispersed up & dounre some weeks, if not months before I received them";<sup>343</sup> and lastly a letter from Samuel Nowell to John Richards expressing the feeling, which he seems to have shared with his fellow colonists, that a quo warranto could not be stopped, but that nothing ought to be done to "pull downe the house our-selves, which is worse then to be passive only."<sup>344</sup>

Before adjourning, the Court ordered that the 10th of May be kept as a day of humiliation throughout the colony, "humbly to implore the mercy & favour of God for our-selves heere, in respe<sup>t</sup> of our sacred civil & temporall concernes, & for the Protestant churches and interest elsewhere now in a low & conflicting condition, and all people are forbidden servile labo<sup>r</sup> upon that day."<sup>345</sup>

On the 28th of May<sup>346</sup> Randolph reached England, having been

<sup>343</sup> *Massachusetts Archives*, Vol. CVI. p. 275; also *Massachusetts Records*, Vol. V. p. 389. Letter from Governor Bradstreet to Sir Lionel Jenkins respecting Mason's claim. 24 March 1682-3.

<sup>344</sup> *Massachusetts Historical Society Collections, Fifth Series*, Vol. I. p. 435. Letter of Samuel Nowell to John Richards, 28 March, 1683. "I have little expectation that all we can or shall do will put a stop to a Quo Warranto. By our Patent we have full & absolute power to rule & governe, pardon & punish, etc. by which alwayes hithertoo wee have judged our selves free from

appeals, & either we may finally judge of & determine all things, or else appeals ly in all cases, w<sup>ch</sup> will make the Governm<sup>t</sup> here to be a meer cypher; every pragmatricall perfon will refuse to submit to the judgment of our courts, hoping for relief in England, or by some Commissioners here, to w<sup>ch</sup> our Governm<sup>t</sup> must be subordinate, as in the case of 1664."

<sup>345</sup> *Massachusetts Records*, Vol. V. p. 388. Day of humiliation ordered 30 March, 1683.

<sup>346</sup> Randolph's Short Narrative of his Voyages, *post*.

been driven by contrary winds into Falmouth, arriving the next day at Exeter, whence he wrote announcing his arrival, and adding, "am now Coming for Whitehall with all Convenient Speed."<sup>347</sup> He appears to have lost no time, for on the 4th of June he presented his articles against the Government and Company of the Massachusetts Bay, which are simply a condensed statement of the accusations already made by him.<sup>348</sup> It was a fitting time to attack the charter of the colony, with certainty of success, for a few days later, on June the 12th, the judgment forfeiting the charter of the city of London, was recorded, by which that rich city, "the stronghold of popular liberty" in England, became subservient to the King.<sup>349</sup>

On

<sup>347</sup> *State Papers, Colonial, Bundle 57.* Randolph to Jenkins, Exeter, May 29<sup>th</sup> 1683, *post.*

The depressed condition of the dissenters is described by Nathaniel Mather in a letter to Increase Mather, dated 31 May. He speaks of the Non-conformist ministers being "in strange disguises, few or none of them daring to bee seen in the streets, so as to bee known, & concealing also their lodgings. In the meantime wee hear of no masses or Popish meetings informed againt by the Informers. The busines of the Charter of London is put off till the next term ; but it is thought it will then bee adjudged forfeyted, especially if Sir George Jeffreys bee made Lord Cheif Justice, in the room of Sanders, as is talked." See *Massachusetts Historical Society Collections, Fourth Series, Vol. VIII.* p. 45.

<sup>348</sup> *State Papers, Colonial, Bundle 54 (105).* Articles agt y<sup>e</sup> Gom<sup>t</sup>: & Company of y<sup>e</sup> Mass Bay in New Eng<sup>d</sup>. 4 June 1683, *post.*

<sup>349</sup> *Massachusetts Archives, Vol.*

CVI. p. 293, 12 June, 1683. Judgment forfeiting Charter of London. "This day Mr Justice Jones after Judg<sup>mt</sup> was demanded by Mr Attorney Generall upon the city Charter delivered himselfe in the point, as that they had attened the L<sup>d</sup> cheife Justice Saunders, who agreed w<sup>th</sup> y<sup>m</sup> in every pticular & yt they were of one opinion, That a corporation may be seized & forfeited, reciting severall Statutes etc. The levying money & the Petition were the A<sup>c</sup>ts of the Corporation. Upon the whole both for matter & forme Judg<sup>mt</sup> ought to be given for the king that the Libertyes & franchises of the Corporation be feized into the kings hands. But Mr Attorney prayed that Judg<sup>mt</sup> might not be entred till his maj<sup>ys</sup> pleasure be further knowne."

Hallam in his *Constitutional History of England*, ed. 1861, Vol. II. p. 428, says: "Two acts of the Common Council were alleged as sufficient misdemeanors to warrant a judgment of forfeiture : one, the imposition of certain tolls on goods brought into the city markets by an

On the very day the charter of London was declared forfeited Randolph appeared before the Committee and stated in positive terms that Massachusetts had determined not to submit to the King but stand a trial at law, "that it had been resolved by the Council there that they would defend their Charter by Law, in case His Ma<sup>t</sup>y should think fit to bring a Quo Warranto against it and that they would not make any Surrender to His Ma<sup>t</sup>y nor intrust their Agents with such Powers as were required from them." He then reiterated his complaints, and to stimulate the prejudices of the committee he spoke of the harsh treatment received by the royal commissioners in 1664, and of the "great civility with which Goff and Whaley were received, two of the Murtherers of His late Ma<sup>t</sup>y, one of whom declared among them that if what hee had done against the King were yet to bee done, hee would doe it again. Whereupon their Lo<sup>ps</sup> doe agree to Report that M<sup>r</sup> Attorney bee ordered to bring a Quo Warranto against the Privileges of their Charter, And that such Papers and Evidences as shall bee needful in this  
Case

an ordinance or by-law of their own; the other, their petition to the king in December 1679, for the sitting of parliament and its publication throughout the country. The court of king's bench pronounced judgment of forfeiture against the corporation; but this judgment, at the request of the attorney-general, was only recorded; the city continued in appearance to possess its corporate franchises, but upon submission to certain regulations. The corporation submitted thus to purchase the continued enjoyment of its estates at the expense of its municipal independence. The city was, of course, absolutely sub-

fervent to the court from this time to the revolution. After the fall of the capital it was not to be expected that towns less capable of defence should stand out. Informations quo warranto were brought against several corporations, and a far greater number hastened to anticipate the result by voluntary surrenders. Jeffreys, on the northern circuit, in 1684, to use the language of Charles II.'s most unblushing advocate, 'made all the charters, like the walls of Jericho, fall down before him, and returned laden with surrenders, the spoils of towns.'"

Cafe bee sent to M<sup>r</sup> Attorney for his better information therein.”<sup>350</sup> The next day the Privy Council ordered Sir Robert Sawyer, the Attorney General, to bring a Quo Warranto immediately against Massachusetts, “and for the more effectual prosecution thereof M<sup>r</sup> Randolph is required to attend His Ma<sup>tys</sup> said Attorney.”<sup>351</sup>

Having “folicited and obtained a quo warranto now ready to be executed,” as he states in a petition, Randolph prays the King “to take into y<sup>r</sup> Royall consideration the great expence & losses by him sustained and to order some necessary allowance whereby hee may be enabled to attend your Ma<sup>tys</sup> service in the effectuall prosecution of y<sup>e</sup> said Quo Warr<sup>to</sup>;”<sup>352</sup> and in another petition he begs that a commission of collector be granted to him “under the great Seale of England,” to enable him to execute the A&ts of Trade.<sup>353</sup>

Before the writ was actually issued against the colony, a strange fight was seen in the royal palace. The lord mayor, the sheriffs, and the aldermen, on their knees before the King, presented a humble submision and petition on behalf of

<sup>350</sup> *State Papers, Colonial, Entry Book, Journal Board of Trade* 107 (167). Randolph states that Massachusetts intends to defend her Charter at law. 12 June, 1683, *post*.

<sup>351</sup> *Massachusetts Archives*, Vol. CVI. p. 298. Report for a Quo Warranto against Massachusetts; at the Court at Hampton Court the 13<sup>th</sup> of June 1683 By the Kings most Exc<sup>t</sup> Mat<sup>y</sup> and the Lords of His Ma<sup>tys</sup> most Hon<sup>b</sup>le Privy Council, *post*.

*Randolph's Short Narrative, post.* “I was ordered to attend Mr Attorney General with proofs of the charge

against the Boston Government,” 13 June.

<sup>352</sup> *Massachusetts Archives*, Vol. CVI. p. 294. Randolph’s complaint. The humble petition of E. Randolph, 13 June, 1683, *post*.

<sup>353</sup> *Massachusetts Archives*, Vol. CVI. p. 296. Petition of Randolph 13 June, 1683, *post*. This petition was referred to the Lords of the Treasury. A new commission would be necessary after judgment had been obtained against the charter reducing the colony to a province.

of the city of London ; “ and so they tamely parted with their so ancient privileges after they had dined and been treated by the king. This was a signal and most remarkable period. What the consequences will prove, time will shew.”<sup>354</sup> On the 27th of June the writ, which was in Latin,  
was

<sup>354</sup> *Diary of John Evelyn*, 18 June, 1683. “ I was present, and saw and heard the humble submission and petition of the Lord Maior, Sheriffs, and Aldermen, on behalfe of the city of London, on the *quo warranto* against their charter, which they delivered to his Ma<sup>y</sup> in the presence-chamber. It was delivered kneeling, and then the King and Council went into the council-chamber, the Maior and his brethren attending still in the presence-chamber. After a short space they were called in, and my Lord Keeper made a speech to them, exaggerating the disorderly and riotous behaviour in the late election, and polling for Papillon and DuBois after the Common-hall had been formally dissolv’d; with other misdemeanors, libells on the Government &c. by which they had incurr’d his Ma<sup>y</sup> high displeasure; and that but for this submission, and under such articles as the King shoud require their obedience to, he would certainly enter judgment against them, which hitherto he had suspend’d. The things requir’d were as follows: that they should neither elect Maior, Sheriff, Alderman, Recorder, Common Serjeant, Towne Cleark, Coroner, or Steward of Southwark, without his Ma<sup>y</sup> approbation; and that if they presented any his Ma<sup>y</sup> did not like, they would proceed in wonted manner to a second choice; if that was disapprov’d, his Ma<sup>y</sup> to nominate them; and if within five daies they thought good to assent to this, all former miscarriages should be forgotten.

Divers of the old and most learned lawyers and judges were of opinion that they could not forfeit their charter, but might be personally punish’d for their misdemeanors; but the plurality of the younger judges and rising men judg’d it otherwise. The Popish Plot also, which had hitherto made such a noise, began now sensibly to dwindle, thro’ the folly, knavery, impudence, and giddiness of Oates, so as the Papists began to hold up their heads higher than ever, and those, who had fled, flock’d to London from abroad. Such suddaine changes and eager doings there had ben, without any thing steady or prudent, for these last seaven yeares.

June 28. After the Popish Plot, there was now a new, and (as they call’d it) a Protestant Plot discover’d that certaine Lords and others should designe the assassination of the King and the Duke as they were to come from New-Market, with a general rising of y<sup>e</sup> nation, and especially of the city of London, disaffected to the present Government: upon which were committed to the Tower Lord Ruffell, eldest son of the Earle of Bedford, the Earle of Essex, Mr Algernon Sydney, son to the old Earle of Leicester, Mr. Trenchard, Hampden, Lord Howard of Escrick, and others. A proclamation was issued against my Lord Grey, the Duke of Monmouth, S<sup>r</sup> Tho. Armstrong, and one Ferguson, who had escaped beyond sea.

July 15. The public was now in greate consternation on the late plot and

was issued, commanding the Governor, several of the Assistants and some of the freemen, by name, describing them as "lately of London," to appear before the King to answer "by what warrant they claimed to have, use and enjoy divers libertes, priviledges, and franchises within the city of London and libertyes thereof, and in all places without the said city, within his maj<sup>ties</sup> kingdome of England, as also in many partes beyond the seas, out of the kingdome of England," on the 3d of September in Michaelmas term.<sup>355</sup> A copy of the writ was served on the agents in London, according to Mr. Normansell, the deputy of the sheriffs, but this was denied by the Massachusetts authorities. Another copy was made on the 9th of July to be served on the Governor and others named in the writ in New England, and a transcript of it was probably brought to Massachusetts by the agents, for the endorsement upon it states that it was received on October 22, the day they reached Boston, and four days before Randolph's arrival.<sup>356</sup>

The

and conspiracy; his Majestie very melancholy & not stirring without double guards; all the avenues and private dores about White-hall and the Park shut up, few admitted to walke in it. The Papists in the meane time very jocond, and indeede with reason, seeing their own plot brought to nothing, and turn'd to ridicule, and now a conspiracy of Protestants as they call'd them."

<sup>355</sup> *Massachusetts Archives*, Vol. CVI. p. 301. Also for the Latin writ see *Massachusetts Records*, Vol. V. p. 420.

<sup>356</sup> *Massachusetts Archives*, Vol. CVI. p. 301. "London July 9<sup>th</sup> 1683. Gentlemen. There is come to my hands (as Secondary to ye Sheriffs of London) a writ of Quo Warranto issuing out of ye Crowne-Office of ye Court

of King's Bench at Westm against you ye severall ps ons hereunder named requiring yo<sup>r</sup> appearance before his Maj<sup>tie</sup> wherever he shall be in England for ye day of St. Michael in three weeks to answer unto or Lord ye king by what warrant you claime to have use & enjoy diverse libertyes priviledges & franchises within ye city of London & libertyes of ye same, & in all places without ye sd City of London within ye Kingdom of England, & in many places beyond ye seas without ye Kingdome of England of which you are impeached. Hereof I have given notice to two of you here in London, vitz: to Joseph Dudley Esq<sup>re</sup> & Jn<sup>o</sup> Richards Esq<sup>re</sup> & left with them a copy of ye writt, & y<sup>t</sup> you may not be ignorant of any part

The Agents having no further business in England, and stating in their petition that "they are not willing to undertake the defence and management" of the cause against the colony, they were discharged from attendance on July 20th and permission given them to return to Massachusetts, "so soone as M<sup>r</sup> Edward Randolph, who is forthwith goeing thither upon his Ma<sup>ties</sup> service by his Ma<sup>ties</sup> comand shall be embarkt for his said voyage."<sup>357</sup>

So

part of ye<sup>e</sup> contents of it I have sent you a true copy also, willing yo<sup>r</sup> appearance to it, & acquainting you yt<sup>r</sup> in default thereof, you will be proceeded ag<sup>t</sup> to ye<sup>e</sup> outlawry & thereby yo<sup>r</sup> libertyes & ffranchisces will be forfeited to ye<sup>e</sup> King & yo<sup>r</sup> Charter made voyd. Of this (Gent) please to take notice from yo<sup>r</sup> humble servant unknowne to you

Ri: Normanfell

To Simon Bradstreet, Esq:  
 Thomas Danforth, Esq<sup>r</sup>  
 Daniel Gookin, Esq<sup>r</sup>  
 John Pinchon, Esq<sup>r</sup>  
 William Stoughton, Esq<sup>r</sup>  
 Peter Bulkeley, Esq<sup>r</sup>  
 Nathaniel Saltonstall, Esq<sup>r</sup>  
 Humfrey Davy, Esq<sup>r</sup>  
 William Browne, Esq<sup>r</sup>  
 Samuel Nowell, Esq<sup>r</sup>  
 Jno Chute, Esq<sup>r</sup>  
 James Russell, Esq<sup>r</sup>  
 Peter Tilton, Esq<sup>r</sup>  
 Bartholomew Gidney, Esq<sup>r</sup>  
 Samuel Appleton, Esq<sup>r</sup>  
 Robert Pyke Esq<sup>r</sup>  
 Daniel fisher, yeoman  
 John Wayte, yeoman  
 William Johnfon, yeoman  
 Edmund Quincy, yeoman  
 Elisha Cooke, Gent.  
 Elisha Hutchinson, Merch<sup>t</sup>  
 Edmund Baker, yeoman  
 Joseph Dudley, Esq<sup>r</sup>  
 John Richards, Esq:

William Tory, yeoman  
 John fairweather, yeoman  
 Laurence Hammond, yeoman  
 Anthony Stodder Senr, yeoman  
 Daniel Turrell, Sen<sup>r</sup> Blacksmith.

[superscribed] for the Governor & Company of the Massachusetts Bay in New England under his Maj<sup>ie</sup> of great Brittaine. these recd 22 October 1683."

According to Hutchinson the agents arrived 23d of October, and the same week Randolph arrived with the quo warranto and a declaration from the King. See *History of Massachusetts Bay*, 2d edition, Vol. I. p. 337.

Letter of Randolph to Jenkins, 14 February, 1683-4, in *State Papers, Colonial*, Bundle 54 (61), says: "I arrived in Boston upon ye<sup>e</sup> 26 of October late at night and found their Gen<sup>l</sup> Court that afternoon broake up. Their Agents sayling out of ye<sup>e</sup> Downes before me almost a fortnight & arriving ye<sup>e</sup> 22 of the same month gave them notice that a Quo Warr<sup>to</sup> was brought against their Charter & that they might dayly expect me."

The Court's letter of Attorney to Robert Humphreys, *post*, states distinctly that "the writt was not served on the persons concerned untill the time of appearance was past, and not served on our agents in England, nor any copy left w<sup>th</sup> them by the seconday."

<sup>357</sup> *Massachusetts Archives*, Vol. CVI. p. 299. Dismissal of Agents from Court

So far the attack against Massachusets had been successful, but as there might be some delay caused by the legal proceedings, Randolph suggested that by following the precedent in the case of Virginia, when the charter of that colony was annulled, the defendants named in the quo warranto should alone pay the costs of the trial, all non-freemen and all freemen, including the magistrates, willing to submit, to pay nothing, and that the magistrates should not be allowed to impose taxes and draw upon the public treasury to defend the charter, as they have done lately "to carry on their solicitations ag<sup>t</sup> your Ma<sup>ts</sup> Prerogative and the Rights of the Crown."<sup>358</sup> This was followed by another suggestion, in which Randolph proposed the King should issue a declaration that the liberties and property of the people would be preserved upon the change of government, "whereby they will be easily induced to surrender their Charter or to submit to such regulations and limitations of their Charter as His Majesty shall prescribe, bringing the people to an immediate dependance upon the Crown, and that in order hereunto some person may be immediately appointed to carry over

Court of St. James. Order of Privy Council, 20 July, 1683.

About this time Nathaniel Mather writes to Increase Mather, "in England & in Scotland there is so great a restreyn on the Non conformists, that I hear hardly of so much as of one meeting. We have word that Vienna is not yet taken by the Turk also that a quo warranto is gone out against your Patent in New England, that two very loyall addresses to his Maj<sup>tie</sup> one from New Plimouth & the other from Connecticut were both very graciously received; by which I suspect you of Maf-

fachusets are more whiggish, & your neighbors more toryish, to speak it in the language of late in use." *Massachusetts Historical Society Collections, Fourth Series*, Vol. VIII. p. 46.

<sup>358</sup> *State Papers, Colonial, Bundle 54* (187). Pet<sup>n</sup> of Mr Randolph in y<sup>e</sup> name of divers Planters & others your Ma<sup>ts</sup> loyall Subjects inhabiting the Massachusets Colony in New England. That no money may be levied towards the charge of defending y<sup>e</sup> charter upon such as are willing to submit. 28 June 1683, pof.

over such declaration with the Quo Warr<sup>to</sup> and that some small Frigott may be ordered to attend that Service." <sup>359</sup> The latter suggestion was made first to the Archbishop of Canterbury, who was an important member of the Privy Council and of the Committee for Trade and Plantations. It is somewhat singular that an Archbishop of Canterbury should again become prominent, after a lapse of fifty years, in attacking the charter of Massachusets. These suggestions were immediately approved of by the Committee, and so reported to the Privy Council, adding "their Lo<sup>ps</sup> agree to move His Ma<sup>ty</sup> that M<sup>r</sup> Randolph bee ordered to carry the Notification of the Quo Warranto to New England And that, for the better countenancing him therein, hee may be transported to Boston by the Mermaid or any other Frigot bound to America." <sup>360</sup> Three days after the receipt of the report the Privy Council "ordered that M<sup>r</sup> Edward Randolph be sent to New England with the Notification of the said *Quo Warranto* which he is to deliver to the said Governour and Company of the Massachusets Bay: and one of his Ma<sup>ties</sup> Principall Secrys of State is likewise to prepare the said Declaration for his Ma<sup>ts</sup> Signature; in order to bee sent to New England and dellivered to the Governour and Company by the said Edward Randolph as aforesaid. And itt is hereby further Ordered that his Ma<sup>ts</sup> Printers do forthwith print and delliver unto the said Edward

<sup>359</sup> *New England Historical and Genealogical Register*, Vol. XXXVII. Book 107, p. 173. Randolph presents Petition, &c., 17 July, 1683, *post*. At this meeting of the Committee were present, among others, the Archbishop of Canterbury, the Bishop of London, and the Earl of Clarendon.

<sup>360</sup> *State Papers, Colonial, Entry*

ward Randolph two hundred Copies of the aforesaid Declaration, as also one hundred Copies of all the proceedings att the Councill Board concerning the Charter of London, w<sup>ch</sup> were printed by Order of his Ma<sup>ty</sup> att this Board to be dispersed by him in New England as he shall think best for his Ma<sup>ts</sup> Service." Annexed to this Order is the Declaration of the King stating that "*Altho'* wee have thought fit to issue Our Writ of Quo Warranto against the Charter, and priviledges claimed by the Governour and Company of the Maffachufetts Bay in New England by reason of some crimes and misdemeanours by them committed, *Yet* Our Royall Will and pleasure is And *Wee* doe hereby declare *That* the private Interests & proprietyes of all perfons w<sup>th</sup>in that Our Colony shall be continued and p<sup>r</sup>served unto them, so that noe man shall receive any p<sup>r</sup>judice in his freehold or Estate, And that in Case the sayd Corporation of the Maffachufetts Bay shall, before further prosecution had upon the sayd Quo Warranto, make a full submision & entire Resignation to Our pleasure, Wee will then regulate their Charter in such manner, as shall be for Our service and y<sup>e</sup> Good of that Our Colony w<sup>th</sup>out any other alterations then such as Wee shall find necessary for the better support of Our Government there, And Wee doe further declare and direct that all those persons who are questioned in or by the sayd Quo Warranto, and shall goe about to maintain the suite against Us, shall make their defence at their particular charge w<sup>th</sup>out any helpe by, or spending any part of the publique stocke of our sayd Colony, And that as well those that are not free men, as such as are willing to submit to Our pleasure, shall be discharged from all rates, Levyes and contributions,

contributions, towards the expence of the sayd suite, both in their persons and Estates, And Our further pleasure is That this Our Royall Declaration be published w<sup>t</sup>hin Our sayd Colony, that none may p<sup>r</sup>tend ignorance hereof.”<sup>361</sup>

Having received the royal order, Randolph desired to sail immediately, so as to serve the writ in time to have the return made by the third of September, and as there was a prospect that he could not be transported by the frigate “Mermaid,” he asked that a small vessel of war might be despatched at once for New England, “the Countenance of a frigott upon y<sup>e</sup> Coast being absolutely necessary to second the Quo Warr<sup>to</sup> in order to procure an intire submission from y<sup>e</sup> Bostoners wherein all the other Colonyes will follow their Exampl & the want of a frigott will give opportunity to those people (who use all imaginary artifices) to oppose his Ma<sup>ties</sup> Orders & to plead to y<sup>e</sup> Quo Warr<sup>to</sup> which will take up above 12 months tyme before this Charter in that case can be vacated. This being in some manner a paralell case to that of the late rebellion in Virginia, where the tymely sending one small ship would have saved no lesse then foure score thousand pounds, such a Countenance as is proposed will cause the Bostoners to make their Submission in this favourable conjuncture and demonstrate that the King is now in earnest.” He then quotes from a letter just received from his Brother Bernard, in which the deputy collector speaks

<sup>361</sup> *State Papers, Colonial, Bundle 54* (48). Order of Councill for Randolph to carry Quo Warranto. 20 July 1683, *post*. At this meeting of the Privy Council were present, among others, the

Archbishop of Canterbury, the Bishop of London, and the Earl of Clarendon; see also *Massachusetts Records*, Vol. V. p. 422.

speaks of the affronts put upon him and of the violence offered to his constable, and asks if the colonists are so audacious while their agents are still in England what will be their conduct unless there is an armed force to overawe them.<sup>362</sup> Becoming impatient at delay, Randolph wrote in about a week that it would be better if he should be allowed to take the first ship sailing and not wait for an armed vessel, as a speedy despatch was essential, otherwise "the disaffected party in New Eng<sup>d</sup> would take occasion to misrepresent his Ma<sup>ties</sup> intentions, in case the notification of his pleasure should arrive so late, as that it would be made impossible for them to comply with the tyme appointed for the return of y<sup>e</sup> Quo Warr<sup>to</sup>." It is important that the first news of the writ should be "accompanied with his Ma<sup>ties</sup> Gracious offers to the Colony since otherwise the people will be amused with variety of Reports & apprehensions (the usuall artifice of the disaffected party) which will be prevented by my being upon the Place and publishing his Ma<sup>ties</sup> Gracious Declaration, which I am ordered to do upon my first arrivall, and also the late proceedings against the Charter of London, with the Cittyes submission to his Ma<sup>tie</sup> which will invite the people to follow the Example of that Citty. Besides, if it shall so please his Ma<sup>tie</sup> to direct y<sup>e</sup> Comm<sup>r</sup>s of y<sup>e</sup> Admiralty that the first frigott bound to y<sup>e</sup> West Indies be ordered to call at Boston and that I may have a copy of his Ma<sup>ties</sup> pleasure therein, to shew the Magistrates when I arrive at Boston, It will make as great  
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<sup>362</sup> *State Papers, Colonial, Bundle 54 (52).* Randolph to Jenkins, proposing to have a Frigate, 26 July, 1683, *post*.

an impression upon the people, as if a frigott were then present and riding before their doores. A present dispatch will take away from that people all occasion of Complaint, & leave them no leisire or opportunity to avoid the regulations which are intended for that Governmt." <sup>363</sup> The Committee, approving of Randolph's reasons for hastening his departure, agreed to report to the King "that one of His Maj<sup>ties</sup> Frigots that shall bee Ordered to carry my Lord Howard to Virg<sup>a</sup> or some other ffrigot that shall pass that way bee Ordered to touch at Boston, and that M<sup>r</sup> Randolph may be ordered to proceed on his Voyage to New England as soon as may bee, And that His Maj<sup>ties</sup> Printer bee ordered to deliver to him One hundred of His Majesty's Declarations published concerning the late Conspiracy to bee disposed of in New England as M<sup>r</sup> Randolph shall think fitt." <sup>364</sup>

While making his preparations for the voyage Randolph wrote to Sir Robert Southwell that he was to embark on the frigate "Rose," under the command of Captain Phips, afterwards known as Sir William Phips, Governor of Massachusetts, who was going to Boston for "diving Tubs," to seek

<sup>363</sup> *State Papers, Colonial, Bundle 54* (54). Randolph to Jenkins; not desirous to wait for a frigate. 3 August, 1683, *post.*

<sup>364</sup> *State Papers, Colonial, Entry Book 107*, p. 177. Randolph to have 100 copies of Declaration. 17 August, 1683, *post.* The declaration was concerning the Whig plot, see *History of England*, by T. B. Macaulay, ed. 1861, Vol. I. p. 210. At the meeting of the Committee were read letters from Governor Cranfield, stating that he had had an A&T passed by which a Marshal appointed by

the Governor "hath the sole power of Impanelling and returning Jurys," and also speaking of Gove's insurrection. It was probably at this time that Randolph prepared and presented to the Committee a full account, undated, of the insurrection, see *Massachusetts Archives*, Vol. III. p. 463, *post.* Edward Gove had written to Randolph 11 June, 1683, requesting his aid in procuring a pardon, and also for a loan of money. See *State Papers, Colonial, Bundle 57*, *post.*

seek the funken treasure in a Spanish wreck off the Bahama Islands. He adds the "Boston agents are in the Downfs, and stay till our ship now at Deptford, falls down, being obliged to stay here by order in Councill, till I am ready to sayle, which gives me a Credit — and but needful — for by those who come now from thence, as also by my letters, I have great reason to believe the party there had more then hints of the horrid conspiracy, lately described ; for at my coming away, they were very calme, but since, high and daring in words and actions, hoping the Lord would work a great deliverance for his people, as they usually cant. I hope to be with them in Octo<sup>ber</sup>, the session of theire Gen<sup>#</sup> Court, 'Twill startle them to find such a round turn and if they do not comply in all Duty they will make themselves for ever after uncapable of the blessings offered in his Ma<sup>ts</sup> Declaration to them. As to the way of settling the cheife power I certainly believe nothing can be so wholesome for the whole plantation as to have one Gen<sup>#</sup> Gov<sup>r</sup>, a sober discreet Gent. to be sent from his Ma<sup>t</sup> and to have a Councill chose out of the Magistrates of all the Colonyes & provinces in all not confisiting above 25 : to be like the house of Lords to heare all appeals from inferior Courts & to assigne places & persons to try causes arising betwixt Colony & Colony & inhabitants of different Colonyes. I believe a Gen<sup>#</sup> Gov<sup>r</sup> would be very gratefull to all sober perfons and in regard they are extended a great distance upon the sea & so cannot without great trouble repaire to Boston the cheife residence, twere very necessary That two Deputy Gov<sup>rs</sup> were appointed & the plantation devided as the two Ridings in Yorkshire. I am now entering upon my forth voyage for New Eng<sup>d</sup> where

where in all my transfa&ctions I have plainly demonstrated that I have cheifly aimed at his Ma<sup>ts</sup> service having omitted all advantages & proposalls to gratify my private affaires. I am now out of purse above 300*l* in prosecuting seizures made & followed with great hazard & charge and altho I have to this day received nothing towards it but my travelling charges which every Gent. paffes in his Stewards or other servants account, yet I have fuppref'd everything relating to myself in hopes at laſt to find a just reward of all my undertakings. I have now 4 daughters living. It may please God ſo to order it that I may by ſea or other accident be taken away. Twould be but justice that my commission might be managed by my brother who now goes over with me & that my children hereby might receive the benefit of it, beſides I have discovered a tract of land granted to & a long tyme in y<sup>e</sup> poſſeſſion of Hugh Peters, ſince diſpoſed of by his Agent: Tis worth 2 or 3 hundred pounds. Tis forfeited by his treaſon to the king & the grant of it would be a kindneſſ to my children. The dayly objects of pitty I meet with at Court of ſuch whose relations have ſpent in his Ma<sup>t</sup> ſervice their lives & fortunes obliges me for my chil- dren's fake to engage my freinds in their behalf in caſe of any accident befalling me. I therefore humbly repreſent ſuch a condition to y<sup>e</sup> care of my few freinds in which number I have alwayes reaſon to reckon you, but God ſend me well home. I intend to waite upon you at Kings Weston to make my ſincere acknowledg<sup>m̄ts</sup> for all your exceeding favors to me." <sup>365</sup>

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<sup>365</sup> Collection of Sir Thomas Phil- collection is now in the poſſeſſion of T. lipps, Bart. 19 Auguft, 1683, poſt. The FitzRoy Fenwick, Esq: of Thirleſtaine House,

While Randolph was crossing the Atlantic, failing probably some time in September,<sup>366</sup> as he arrived in Boston on October the 26th, the King entered up judgment against the city of London, removing Lord Chief Justice Pemberton from office, who was considered an upright and learned judge, and promoting Jeffries.<sup>367</sup> The Tory party was everywhere dominant<sup>368</sup> except in New England. Having reached

House, Cheltenham. A portion of the letter of 19 August, 1683, has been published in the *Massachusetts Historical Society Proceedings* of November, 1880, but the other letters of the collection have not been printed before, except in the form of very short abstracts. In the letter of August 19 Randolph promises to make a collection of New England rarities for Sir Robert, and that he will ask Mr. Cranfield and Mr. Mason to do the same.

<sup>366</sup> *Massachusetts Historical Society Collections, Fourth Series*, Vol. V. p. 91. Letter of William Blathwayt to Thomas Hinckley: "Whitehall the 27. Sept. 1683. I intended to put this letter into your hands by the conveyance of Mr. Randolph who went lately to New England with his Majesty's writ of *quo warranto* against the colony of Massachusetts Bay. I have taken particular notice of your desires for the passing of a new patent for the colony of New Plymouth. But I must deal plainly with you, that it is not probable any thing will be determined in that behalf until his Majesty do see an issue of proceedings in relation to the Massachusetts Colony; and that upon regulating their charter, that Colony be brought under such an actual dependence upon the Crown as becomes his Majesty's good subjects. It will be convenient that you fully instruct Mr. Randolph

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with all particulars of your business, that upon his return to England, which will be in few weeks after his arrival in your parts, we may join our endeavors in behalf of your colony."

<sup>367</sup> *Diary of John Evelyn*, 4 October, 1683. "I went to London, on receiving a note from the Countesse of Arlington, of some considerable charge or advantage I might obtaine by applying my selfe to his Ma<sup>ly</sup> on this signal conjuncture of his Majesty entering up judgment against the City charter; the proposal made me I wholly declin'd, not being well satisfied with these violent transactions, and not a little sorry that his Ma<sup>ly</sup> was so often put upon things of this nature against so great a City, the consequence whereoff may be so much to his prejudice."

<sup>368</sup> *History of England*, by T. B. Macaulay, ed. 1861, Vol. I. p. 211. "Borough after borough was compelled to surrender its privileges; and new charters were granted which gave the ascendancy everywhere to the Tories. Meanwhile, the pulpits resounded with harangues against the sin of rebellion. The treatises in which Filmer maintained that hereditary despotism was the form of government ordained by God, and that limited monarchy was a pernicious absurdity, had recently appeared, and had been favorably received by a large section of the Tory party. The University

reached Boston four days after the arrival of the Agents, Randolph found that the news of the issuing of the Quo Warranto had preceded him, and that the General Court had adjourned the very day he landed. However, the next day, the 27th, he delivered to the Governor a copy of the Quo Warranto and the King's Declaration, whereupon the General Court was summoned to meet on the 7th of November. He reported that "M<sup>r</sup> Dudley one of their late Agents with y<sup>e</sup> Gov<sup>r</sup> & major part of the Magistrates, nine of y<sup>e</sup> house of Deputies & as many of their ministers were for an intire submiffion to the propofalls made them in his Ma<sup>ties</sup> Declaration. But Danforth with M<sup>r</sup> Richards the other Agent having made a strong party in y<sup>e</sup> house of Deputyes would not affent but trifle away the tyme."<sup>369</sup> Expecting to remain a short time only before returning to England, he wrote Governor Hinckley of Plymouth, evidently in great haste, asking him to appoint a time for his coming to Boston, as, "I must have 2 hours discourse with you. By the enclosed papers you will see what transactions have been in England, & how far his mat<sup>y</sup> is resolved to deal with this Colony. It therefore stands you in hand to be very carefull to improve the present opportunity; for, be confident, what regulation  
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University of Oxford, on the very day on which Russell was put to death, adopted by a solemn public act these strange doctrines, and ordered the political works of Buchanan, Milton, and Baxter to be publicly burned in the court of the Schools."

<sup>369</sup> *State Papers, Colonial, Bundle 54* (61). Randolph to Jenkins, 14 February, 1683-4, *post.*

Hutchinson in a note on p. 338 of Vol. I. 2d edition of his *History of Massachusetts Bay*, says: "The next day after Randolph arrived, a terrible fire happened in Boston, in the richest part of the town. Some of the people, in their rage and jealousy, supposed the town to be set on fire by his procurement. I find this infinuated in an interleaved almanack, and other manuscripts."

is made here will passe through all New England. By some accident, either the copy of your Grant sent over by Gov<sup>r</sup> Winslow is mislaid, or quite lost; for, after a long search it could not be found; so that I could not make one step about it. I am directed to write to you for another attested copy of your Grant or Grants; If you neglect this present opportunity, you may be concluded without any hopes of a revocation. My stay here will be not above 3 weeks. I shall stay in England 4 or 5 months. I know not whether I shall have tyme to go to Road Island, where I am very much wanted upon several accounts. Excuse my hast, for, I am going to New Hampshire.”<sup>370</sup>

He appears to have lost no time in distributing the two hundred copies of the King’s Declaration committed to his care,

<sup>370</sup> *Hinckley Papers*, Vol. I. p. 49. Manuscript in the Boston Public Library. Letter of Edward Randolph to Thomas Hinckley, 29 October, 1683, *post*. The King’s Declaration having reached Plymouth on 1st of November, led to an address being sent from the Colony to Charles II., stating that “through the friendly courtesey of Mr. Randolph” the Declaration had come to them as well as the news that “God Almighty was graciously pleased (we hope in return of our prayers, as other your majesty’s good subjects) wonderfully to deliver your sacred person and government from that late horrid and treasonable conspiracy [Rye house plot], wee could do no les than, in conscience of our bounden duty and in harmony therewith, to appoint the fifteenth day of this instant November to be kept as a day of solemn thanksgiving unto God for his great mercy in his signal salvation

of your majesty’s royal person from that and all other hellish and execrable conspiracies and most wicked, bloody designs, humbly praying that as we first broke the ice and encountered the distressing hazards and hardships of setteling the first plantation in this waste and then uncultivated wildernes we may be incorporated into a body politic with such privileges, as out of the largenes of your royal bounty you have been pleased to grant to your majesties Colonies here of Connecticut and Rhode Island.” See *Political Annals*, by George Chalmers, p. 108.

The colony of Plymouth, having only a title to land, and exercising the right of government only by acquiescence of the English authorities, was very desirous of obtaining an authorized sanction for their actions. This fact made the colonists generally cautious in their dealings with the home government.

care, hoping to hasten a submission of the colony.<sup>371</sup> He also appeared on October 30th before the Commissioners appointed by the King "to examine into the claims and Titles to the Narraganset Country," as agent for the Duke of Hamilton, who laid claim to a portion of the disputed territory. The matter was not decided for several years.<sup>372</sup>

The General Court having assembled on the appointed day, the Governor acquainted the members, at the opening, "that since the last fitting of this Court Edward Randolph Esq<sup>r</sup>, arrived & had presented him w<sup>th</sup> his maj<sup>ties</sup> Councils act, & his maj<sup>ties</sup> declaration & proclamation w<sup>th</sup> the quo warranto y<sup>t</sup> was issued out ag<sup>t</sup> the Gouno<sup>r</sup> & Company," which were given in full.<sup>373</sup> The Declaration was dated 26 July, and signed

<sup>371</sup> *Randolph's Short Narrative, post.* "I arrived in New England served ye Quo Warranto, published and dispersed two hundred of his Majties Declaration."

<sup>372</sup> *Massachusetts Historical Society Collections, Fifth Series*, Vol. IX. p. 182. The case of Anne, Duchesf of Hamilton. "The Great Council of Plimouth granted, 22 April 1635, to the Marquis (afterwards Duke) of Hamilton that part of New England beginning at the middle or mouth of the entrance of Conecticott River, and from thence along the sea coast to the Narraganset River or harbor there to be accounted sixty miles in length and breadth." In 1683, Cranfield, Dudley, Stoughton, Randolph and others were appointed Commissioners to examine into the claims. The report was signed and sealed before Randolph's return to New England. He, however, induced them to make a supplementary report, "being empowered by the Duke and Duchesf of Hamilton to exhibit their title before those Commiffioners." For

Charles II.'s commission to Edward Cranfield and others, see *ibid.*, *Fifth Series*, Vol. V. p. 232. For the report see *ibid.*, p. 235. For the "answfer to Randolph's Representation" stating that the Duke had no claim, see *ibid.*, Vol. VIII. p. 439. In 1687 Sir Edmund Andros received a commission to make further inquiry, who reported that the poſſeffors had no legal title, and that the grants to Connecticut and Rhode Island people were obtained falsely. In 1697 the claim was again brought forward by the Earl of Arran. See also *ibid.*, Vol. IX. p. 114, letter of Secretary Allyn of Connecticut concerning the claim of the heirs of the Duke of Hamilton; see also the *Ecclesiatical History of New England*, by Joseph B. Felt, ed. 1862, Vol. II. p. 404, for the petition in 1664 to Charles II. of the Duke and Duchesf of Hamilton to have their lands restored to them, and on p. 409 for the answfer of Connecticut denying their claim.

<sup>373</sup> *Massachusetts Records*, Vol. V. p. 420.

signed "by his majestjes comand & c L. Jenkins." The Declaration was made public "by being posted on y<sup>e</sup> Exchange."<sup>374</sup> The community was deeply agitated and to a certain extent divided in sentiment. The majority of magistrates was, as Randolph had reported, in favor of submission, but the deputies were firm in their refusal and very determined to do what they could legally to defend the charter. The clergy expressed their opinion that Massachusetts ought not to make "a full submission and entire resignation to the pleasure of the Court, for that would be destructive to the interests of religion and of Christ's Kingdom in the colony, and cannot be done without sin and a great offence to the majesty of heaven. An alteration or regulation of the charter will be as destructive as its legal condemnation. The city of London is an example of this. In fact all those corporations in England which have submitted to the king's pleasure have gained nothing thereby but are in as bad a case as those that have stood a suit at law. If Massachusetts should maintain a suit and lose it, the matter could still be brought to Chancery or to Parliament, and all might be recovered. If a governor is to be appointed by royal authority, without the consent of the people, that would be an essential alteration and destructive to the vitals of the charter. The people of New England being non-conformists, there is no reason to believe that their religion and the Court's pleasure will consist together, and how if popish councils should influence so far, as that one regulation must be

p. 420. Also *Massachusetts Archives*, Vol. CVI. p. 301.      <sup>374</sup> *Massachusetts Records*, Vol. V. p. 423.

be conformity, in matters of worship, with the established church government in England. That would be incurring the high displeasure of the king of kings. For the government of the Massachusetts now to act contrary unto the way wherein God hath ordered our worthy predecessors ought not to be. They did not submit in 1638 or in 1664. Therefore their successors should walk in their steps and trust in God. A resignation will bring slavery. It is argued that we ought to submit because the Jews did to oriental potentates, but he scarce deserves the name of an Englishman that shall thus argue. Because, those monarchs were absolute, must Englishmen, who are under a limited monarchy consent to be in that misery and slavery which the captive Jews were in? It is our undoubted duty to abide by what rights and privileges the Lord our God in his merciful providence hath bestowed on us. And whatever the event may be, the Lord will forbid we should be any way active in parting with them. It is to be hoped, that the ministers of God in New England have more of the spirit of John Baptist in them, than now, when a storm hath overtaken them, to be reeds shaken with the wind. The priests were to be the first that set their feet in the waters, and there to stand till the danger was past. Of all men they should be an example to the Lord's people, of faith, courage and constancy. The civil liberties of the people of New England are part of the inheritance of their fathers, and shall they give that inheritance away? A resignation will gratify their adversaries and grieve their friends both in other colonies and in England also, whose eyes are now upon New England, expecting that the people there will not, through fear and diffidence,  
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give a pernicious example unto others. If blessed Mr. Cotton, Hooker, Davenport, Mather, Shepard, Mitchell were now living, they would say, do not sin in giving away the inheritance of your fathers. Put trust in God, which is better than confidence in princes. If we suffer because we dare not comply with the wills of men against the will of God, we will suffer in a good cause.”<sup>375</sup>

The deadlock between the magistrates and the deputies was complete. The disagreement between the two houses could not be healed. All attempts on the part of the magistrates to induce the deputies to consent to vote for submission were stubbornly resisted. Finally, it was agreed that a power of attorney should be sent to some one in England to represent the colony.<sup>376</sup> “The Court satte dje in p diem on  
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<sup>375</sup> *Massachusetts Historical Society Collections, Third Series*, Vol. I. p. 74. Arguments against relinquishing the charter. Hutchinson says in his *History*, Vol. I. p. 337 : “The opinions of many of the ministers, and their arguments in support of them were given in writing, and in general it was thought better to die by the hands of others than by their own.”

Their fear that “Popish Councils” might prevail in England seemed at the time well founded. The heir to the throne was a zealous member of the Catholic Church. The King, although head of the Church of England, was known to incline to the doctrines of the Church of Rome, although it was not generally known that he had become a convert. The high church party and the extreme Tories then in power looked more favorably on the Church of Rome than on the churches of New England. The colonists felt, therefore, that “to

raise a bulwarke against the Kingdom of Antichrist which the Jesuits labour to rear up in all places of the world,” one of the objects of transporting themselves through the perils of the sea to the hardships of a wilderness would be defeated. See *Hutchinson’s Collection of Papers, Prince Society*, Vol. I. p. 29.

<sup>376</sup> See *Massachusetts Archives*, Vol. CVI. p. 304-313, for the resolutions, votes and messages sent from the magistrates to the deputies, and from the deputies to the magistrates, between 12 November and 6 of December. Randolph had counted upon some of the deputies voting for submission, but the records show that their vote against the measure was unanimous. “The deputies resolve this question in the negative (*nemine contradicente*).” On the question of empowering an agent the deputies were finally victorious. The magistrates wished to appoint an attorney to appear, so as to prevent a default until some

the consideracion of the weighty matters y<sup>t</sup> were presented before them,"<sup>377</sup> and on the 5th of December authority was given to Robert Humfreys of the Inner Temple, London, "to appeare, make answere, and defend for us, and in our names, to a certaine writt of *venire facias*, issued out of his Maj<sup>ties</sup> Court of King's Bench at Westminster beareing teste the 27<sup>th</sup> of June last.<sup>378</sup>

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some form of submision could be obtained, but the deputies were fully resolv'd that he shold have power to defend the suit at law. The magistrates said "the present appearance by their atturney is not to maintayne a suite with his Maj<sup>ty</sup> but only to save a default & contempt untill they have further tryed to give his Maj<sup>ty</sup> a more full satisfaction." To this the deputies answered: "The deputyes consent not but adhere to their former bills." The magistrates voted that "an humble address be sent to his Maj<sup>ty</sup> by this ship declaring that upon a serius consideration of his Maj<sup>ties</sup> Gratious Intimation by former Letters and more particularly in his late declaration that his pleasure & purpose is onely to regulate our Charter in such manner as shall be for his service and the good of this his colony and without any other alteration than what is necessary for the support of his Government here, wee will not presume to contend with his Majesty in a course of law, but humbly lay ourselv's at his Maj<sup>ties</sup> feete in a submision to his pleasure." To this the "deputyes consent not, but adhere to their former Bills."

<sup>377</sup> *Massachusetts Records*, Vol. V. p. 423.

<sup>378</sup> See *Massachusetts Archives*, Vol. CVI. p. 308, for the full text of the letter of attorney to Robert Humfreys. The power of attorney was accompanied by a letter of advice from which the following extracts are made: "The assurance that our agents have at all

times given us of your ability & faithfullnes made us reslove to give you the further trouble of an atturneyship in an unhappy tryall of the quo warranto. Wee take not this courfe in law of choice, but of meere necessity, to save a default & outlawry for the present. Gaine what time may be had, *cunctando restituere rem*. Wee shall be sensible of the unacceptable service wee doe hereby impose upon yow. It is thought necessary that there be a plea made to the jurisdiction of the Court. Whither a charter, & priviledges granted thereby, being exercised in America, can be tryed in a Court in England; or by what authority the sheriffs of London serve a writt on persons who never were inhabitants there; and particular persons are only mentioned in the writt, whereas wee are to sue and to be sued by the name of the Gouernor & Company; also, the writt was not served on the persons concerned untill the time of appearance was past, and not served on our agents in England, nor any copy left w<sup>th</sup> them by the seconday. The copyss of his Maj<sup>ty</sup>s declaration were not delivered to us by M<sup>r</sup> Edward Randolph till November twenty first; to which may be added a representation that our predecessors transporated themselves hither settled and defended themselves at their owne costs and charge, many of them leaving large accomodations in England, for an uncertaine settlement in this wildernes, confidently relying on the security given them by our charter."

While preparations for defending the charter were being made, Randolph passed part of the time in New Hampshire, assisting Governor Cranfield, for he is spoken of in November as one of the Council for that province,<sup>379</sup> in Maine, and part of the time in Rhode Island, as agent for Thomas Savage and others in prosecuting a claim for land in that colony, and in Plymouth, distributing the King's Declarations in those provinces and colonies.<sup>380</sup> Being a freeman of Plymouth, chosen undoubtedly to that position for the purpose of influencing his action, Randolph had promised to assist in obtaining the long desired charter for the colony. He therefore wrote, on November 24<sup>th</sup> a sharp letter to Governor Hinckley upon hearing "that the Quakers in y<sup>r</sup> Colony are whipped and fined for not marrying according to your law, and that you have countenanced the late arbitrary and till now unheard of proceedings

<sup>379</sup> *Transcripts of New Hampshire Documents*, by J. S. Jennes, 15 November, 1683. Letter from M<sup>r</sup> Cranfield to y<sup>e</sup> Comm<sup>tee</sup> touching M<sup>r</sup> Mason's proceedings. M<sup>r</sup> Mason having obtained judgment against thirty or forty of the principal land holders they "threatened to kill & destroy with Gunpowder, Scalding water & red hot spits any that should endeavour to force the doores, so the officers were forced to desist from executing the law. I have turned out Capt. Vaughan from being of the Counsell upon his indecent carriage & dangerous words spoken by him in whole room I have put M<sup>r</sup> Randolph."

According to a statement made on 29 November, 1684, by Richard Chamberlain, Secretary of the Province, Mr. Randolph was Attorney General of

New Hampshire in November, 1682. See *Provincial Papers of New Hampshire*, Vol. I. p. 497.

<sup>380</sup> *Massachusetts Archives*, Vol. II. p. 58. Power of attorney from Thomas Savage and others to Edward Randolph, dated in Boston 17 November, 1683. Constituting "our worthy Friend Edward Randolph Esqr<sup>e</sup> our true & lawfull attourney to sue etc. for one eighteenth part of the Land or Soyle of Rhode Island," an inheritance of Thomas Savage, deceased : signed by Thomas Savage, Ephraim Savage, Perez Savage and Ebenezer Savage.

See *State Papers, Colonial, Bundle 54* (248), for his journeys to New Hampshire, Maine, Rhode Island and Plymouth, post.

proceedings against Mr. Saffin by imprisoning him with other illegall practices.<sup>381</sup> What will the Lords of the Privy Council think of you who have no grant or power to govern (for all you can pretend to by your grant from the Earl of Warwick is onely the soyle in your Colony, and noe colour for Gov<sup>t</sup>). Send me a full narrative of the matter and empower me by y<sup>e</sup> seal of the Colony to appear on your behalf."<sup>382</sup>

Before sailing, Randolph appointed his brother Gyles Deputy Collector,<sup>383</sup> prepared a petition for Richard Smith and others concerning lands in the Narragansett country,<sup>384</sup> and wrote to Rev. Increase Mather on the 13th of December, the day before leaving, in regard to an injured compas, which evidently required repairing in England.<sup>385</sup> He carried with him a letter to Sir Lionel Jenkins from the magistrates, giving an account of their efforts to induce a submission to the King, and concluding "wee shall Earnestly labour

<sup>381</sup> John Saffin had been imprisoned for non-payment of what he considered an illegal tax. See *Plymouth Colony Records*, Vol. VI. pp. 116, 117.

<sup>382</sup> *Hinckley Papers*, Vol. I. p. 51. Manuscript in Boston Public Library. Letter of Randolph to Governor Hinckley, 24 November, 1683, *post*.

Hinckley wrote to Blathwayt 22 November, concerning "the accomplishment of our desires in the busines of our patten, that it may be presented to his most gratious majesty by you & Mr. Randolph. We shall not shew ourselves ungrateful to either of you for your labor of love therein. I hope the small gratuity sent to you through Mr. Jeffon will not be offensive either to you or Mr. Randolph that it was not sent by

him." See *Massachusetts Historical Society Collections, Fourth Series*, Vol. I. p. 94.

<sup>383</sup> *Massachusetts Archives*, Vol. LXI. p. 260. Giles Randolph's commission, 26 November, 1683, *post*.

<sup>384</sup> *Massachusetts Archives*, Vol. II. p. 209. Petition of Richard Smith and others concerning lands in the Narragansett country, 10 December, 1683 [in the handwriting of Randolph]. The petitioners complained that an island belonging rightfully to them was held forcibly by the Rhode Islanders.

<sup>385</sup> *Mather Papers*, Vol. V. p. 50. Manuscript in Boston Public Library. Letter of Randolph to Increase Mather, 13 December, 1683, *post*.

labour to give the people a better Understanding before the next Ship saile from hence and shall be very joyfull to give yo<sup>r</sup> hon<sup>r</sup> thereby a better account of our succes heerin.”<sup>386</sup> While Randolph was crossing the Atlantic Cranfield was exerting himself in New Hampshire to enforce a conformity to the English ecclesiastical laws, although ordered to allow liberty of conscience, which led to trouble, and made more bitter the hostile feelings of the inhabitants of the province and of Massachusetts against the pretensions of the crown.<sup>387</sup>

Rev.

<sup>386</sup> *State Papers, Colonial, Bundle 54* (56). Magistrates of New Eng<sup>d</sup> to Jenkins, concerning *Quo Warr<sup>o</sup>* 7 Dec. 1683, endorsed R. 21 feb. 8<sup>1</sup> p M<sup>r</sup> Randolph (who came at y<sup>r</sup> time), *post*.

<sup>387</sup> *Provincial Papers of New Hampshire*, Vol. I. p. 439. The words in Cranfield's commission are, “liberty of conscience shall be allowed unto all Protestants.”

*History of New Hampshire*, by Jeremy Belknap (Farmer), p. 467. “Cranfield's order for the administration of the sacraments according to the mode of the Church of England. At a Council held at Great Island 10 December 1683. It is hereby required and commanded that all and singular the respective ministers within this province for the time being do from and after the first day of January next ensuing, admit all persons that are of suitable years, and not vicious and scandalous in their lives, unto the blessed sacrament of the Lord's supper, and their children unto baptism. And if any persons shall desire to receive the sacrament of the Lord's supper or their children to be baptized according to the liturgy of the Church of England, that it be done accordingly in pursuance of the laws of the realm of England, and his majesty's commands

to the Massachusetts government. And if any minister shall refuse so to do, being thereunto duly required, he shall incur the penalty of the statutes in that case made and provided, and the inhabitants are freed from paying any duties to the said minister. The aforesaid order was published. R. Chamberlain, clerk council.” Cranfield had written to the committee on October 19th. “The Colonies will oppose the Royal government till their charters are broke, and the College at Cambridge utterly extirpated. For from thence those half witted philosophers turne either Atheists or seditious preachers.” See *Rhode Island Colonial Records*, Vol. III. p. 147.

About this time came the news from Europe which John Cotton communicates to Thomas Hinckley in a letter of December 27<sup>th</sup>. “Persecutions of the dissenters do increase in England etc. to a marvellous height; and many persons of all ranks are forced to fly. In Hungaria there is the most signal revolution which this last age hath brought forth. The malcontents have made most honourable articles with the Turks paying them in money a certain annual acknowledgment; and for this, to command on all occasions the whole Turkish power

Rev. Joshua Moodey of Portsmouth, being prominent, was summoned by the Governor to administer to him and Mr. Mason the sacrament of the Lord's supper according to the rites of the Church of England, and having refused to do so, was prosecuted and imprisoned.<sup>388</sup> Being deprived of his parish, he became, upon his liberation, a minister in Boston among his sympathizers, who feared that if they should lose the shelter of their charter they would suffer in the same way at the hands of a royal governor.<sup>389</sup>

After a very tempestuous passage, during which the ship narrowly escaped being wrecked, Randolph arrived at Plymouth on February 14th, and sent the same day a hasty letter

to

power to assist them. The Jesuits are not only banished that kingdom, but perpetually exiled from all the Turkish dominions. The churches have the liberty of the gospel again, and so have the schools. The suffering Protestants return from all quarters to their ancient possessions. The Turks had almost carried Vienna, when an army of Germany and Polanders, with great loss to themselves forced them to raise their siege." See *Massachusetts Historical Society Collections, Fourth Series*, Vol. V. p. 103.

<sup>388</sup> *History of New Hampshire*, by Jeremy Belknap (Farmer), p. 106. Also *Provincial Papers of New Hampshire*, Vol. I. pp. 482-486.

Rev. Joshua Moodey or Moody, as the name is sometimes written, was born in 1633, graduated at Harvard in 1653, and died in 1697.

For his own account of his arrest by the Marshal, "one Mathews of Boston, one of Randolph's," and his imprisonment, see his letter to Thomas Hinckley, 12 March, 1683-4, in *Massachusetts Historical Society Collections, Fourth Series*, Vol. V, p. 116.

<sup>389</sup> *Transcripts of New Hampshire Documents*, by J. S. Jennes, 16 January, 1683-4. Cranfield writes to the Committee, "'t is my humble opinion that it will be absolutely necessary to admit no person into any place of Trust but such as take ye Sacrament & are conformable to the Rites of the Church of England. Their college must be suppressed and their ministers silenced, for they are not only Enemies to his Maj<sup>y</sup> & Government, but Christ himself, for of all the Inhabitants of this Province being about four Thousand in number, not above Three Hundred christned by reason of their Parents not being Members of their church."

In the *Provincial Papers of New Hampshire*, Vol. I. p. 478, there is a deposition of Thomas Thurston, dated 18 February, 1683-4, Randolph's deputy, to the effect that while discharging his duty he was struck several times by William Vaughan, who said he would treat Randolph in the same way, if he were there, and that Randolph was as bad as any of them.

to Sir Lionel Jenkins concerning his serving the quo warranto. "I tooke shipping at Boston y<sup>e</sup> 14<sup>th</sup> of Decem<sup>ber</sup> in hopes to arrive in Eng<sup>d</sup> tyme enough for M<sup>r</sup> Atturney Gen<sup>ll</sup> to gett Judgm<sup>t</sup> entred against their charter but I have been prevented by a tedious & very dangerous passage & our Ship by the continual stormes made a meer wreck. I have either lost or damaged all my Goods & necessaryes, and am much indisposed in body, which occasions this rough & hasty discourse."<sup>390</sup> This was followed by a report to the King of his delivery of the quo warranto, giving a full account of his proceedings and the action of the General Court and stating that "about the time of my Leaving Boston, after Seaven weekes Stay I left the Body of the People very much discontented Refusing to pay the Rates which were laid by the last Generall Court and Ordered out of hand to be Collected. I humbly beseech yo<sup>r</sup> Ma<sup>t</sup>y that the Lords of the Treasury may be directed to supply mee with money to pay for the passages of two witnessses brought with me, and also to defray the necessary disbursements, which will arise upon the effectuall soliciting and Prosecuting the Quo Warr<sup>to</sup>."<sup>391</sup> Not having succeeded in making a return of the serving of the quo warranto within the prescribed time, Randolph on

4th

<sup>390</sup> *State Papers, Colonial, Bundle 54* (61). Randolph to Jenkins, Plymouth, feeb. 14, 1688-4, *post*.

In his *Narrative* Randolph says: "Decem<sup>r</sup> 14. I embarked myself for England, had a dangerous voyage, the vessel wrecked at sea, both her sides carried away in a storm, and my goods lost. Feby 14. I arrived at Plymouth and was commanded to attend and prosecute ye Boston charter." *Post*.

<sup>391</sup> *State Papers, Colonial, Bundle 54* (273). To the Kings most Excellent Ma<sup>y</sup>. A short Narrative touching the delivery of the Writt of Quo Warranto. 29 Feb. 1683-4, *post*.

This narrative was read before the Committee of Trade and Plantations in the Council Chamber at Whitehall on 11 March, *State Papers, Colonial, Entry Book 107*, p. 268.

4th of March "attended M<sup>r</sup> Attorney Gen<sup>#</sup> with divers Articles of high Misdemeanours against the said Gom<sup>t</sup>; in order to prepare an Information to be brought in against them the beginning of next tearm, and prayed that a present supply of money bee issued out of y<sup>e</sup> Treasury to defray the Charges in order to obtaine a speedy & effectuall end of this matter supported onely by delayes & Evasions."<sup>392</sup> It was probably about this time that he petitioned the King to reimburse him for his losses at sea amounting to £260. If he does not receive that sum "y<sup>r</sup> petn<sup>r</sup> is near undone."<sup>393</sup> He also begged that he might prosecute his appeals from the Massachusets courts to the King in council and the colony "bee directed to answer the same," and that an examination be ordered "of the annexed articles ag<sup>t</sup> Danforth for having openly resisted your Maj<sup>ties</sup> authority and seduced your Maj<sup>ties</sup> subjects from their due allegiance to the end that if hee appeare guilty hee may receive the markes of your Maj<sup>ties</sup> displeasure and bee at least removed from such publick offices of trust w<sup>ch</sup> hee hath long exercised in that Government to your Maj<sup>ties</sup> great disservice."<sup>394</sup>

Not only was Randolph determined to drive Mr. Danforth out of office, which he conceived would break the political opposition to the King's commands, but also to attack the stronghold of the New England clergy. Feeling with Cranfield that Harvard College was the nursery of the Congregational

<sup>392</sup> *State Papers, Colonial, Bundle 54* (242). From Randolph for supply of money, 4 March, 1683-4, *post.*

<sup>393</sup> *Massachusetts Archives, Vol. CVI.* p. 311, *post.*

<sup>394</sup> *Massachusetts Archives, Vol. CVI.* p. 310. Petition of Edward Randolph to the King, *post.*

tional ministers he urged that Thomas Graves, formerly a tutor and fellow of the college, dismissed, as Randolph reports, for adhering to the Church of England, should be restored to his positions by a mandamus.<sup>395</sup> Such a course had been taken, at the restoration, in Oxford and Cambridge, and was taken afterwards by James II. in the interest of the Roman Catholic Church. "Butt above all its very necessary that his Maj<sup>ties</sup> subjects should not be debarred the use of the sacraments, which onely will be supplyed by sending over discreet gentlemen who will find encourag<sup>t</sup> from many by Baptizing, Marriing & Burialls &c. &c. Butt that they may not depend upon uncertaintyes its to be desired that his Maj<sup>tie</sup> in Councill would order a survey of the money gathered in y<sup>e</sup> yeare 1642: by a Patent & now managed by the Hon<sup>ble</sup> M<sup>r</sup> Boyle, Lord Anglicys [Anglesey] &c. which did before the fire in London amount to yearly nigh 1000£ per annum but fince to 500 or 600 £. This is called the stock for Evangelizing Indians. But in truth the money is bestowed upon some in y<sup>e</sup> Magistracy & others in y<sup>e</sup> ministry, rather as pension then any other publick good works proceeding from that charge, Christians becoming heathens,

whilst

<sup>395</sup> *New England Historical and Genealogical Register*, Vol. XXVII. p. 157. A short account of present state of New England, by Edward Randolph, *post.*

Thomas Graves, born in Charlestown 1638, graduated at Harvard College 1656, in the same class as the Rev. Increase Mather, tutor and fellow 1666 to 1671, according to the College catalogue, but tutor or fellow according to Sibley, deputy from Charlestown in

1676 and 1678, Judge of the Inferior Court of Pleas under Andros, and imprisoned at the rising against Andros, died in 1697. Sewall speaks of him as "a Godly Learned man, a good Tutor & a solid preacher. His obstinate adherence to some superstitious conceipts of y<sup>e</sup> Common Prayer Book bred himself & others a great deal of trouble." See *Harvard Graduates*, by John Langdon Sibley, Vol. I. p. 481.

whilst endeavours are pretended to convert y<sup>e</sup> Infidels. Its therefore for rectifying so notorious an error humbly pray'd that y<sup>e</sup> Lord Anglycy &c. doe approve of & allow two able Gentlemen at least, recommended by my Lord of London, to be sent over & have 100£ a yeare paid out of that stock. If it be directed from his Maj<sup>ties</sup> in Councill that none shall pay by rate or otherwise to their Ministers who will not at least baptize their children, It will bring many about in remote places where their maintenance doth yearly arise by rate or composition. As to reducing the Boston Gent<sup>m</sup> to his Maj<sup>ties</sup> obedience, a writt of Quo Warr<sup>to</sup> brought over ag<sup>st</sup> them by y<sup>e</sup> Attturney Gen<sup>l</sup> will soon bring them all to a full Complyants; if that will not doe his Maj<sup>ties</sup> declaring them to be out of his protection will bring them in with a witness." He then invoked the aid of the Archbishop of Canterbury in order to divert the money given for converting the Indians to the support of ministers of the Church of England to be settled in Massachusets, saying that in 1643 a patent was granted to "y<sup>e</sup> L<sup>d</sup> Warwick and other factious Lords as also to Hugh Peters Oliver Cromwell & other seditious Commoners with power to collect money all over England. Great sums of money were collected and committed to y<sup>e</sup> custody of Rigid Independent Ministers. Now instead of sending money to N. Engl<sup>d</sup> they draw money yearly from thence, where 'tis said they have above 2000£ at interest. I could never inform myself of any account that has been given of this money. L<sup>d</sup> Chancellor Nottingham intended it, but was prevented. I was ordered to attend his Lord<sup>sp</sup> but was hindered by a fuddaine voyage to N. Engl<sup>d</sup>. It is humbly proposed that a commission be directed

to

to examine & inspect y<sup>e</sup> stock & revenue here in England, that they may be informed how y<sup>e</sup> money drawn from New England is employed here at home, and to inspect the accounts of the Trustees in New England." He then submits a list of gentlemen living in Boston who could act on the "commission of enquiry" in Massachusetts, and adding "if the Act for charitable uses may extend to New England tis here fitt they were likewise imposed to examine and report upon the foundation of Haverard Colledge in Cambridg New England and to call to account M<sup>r</sup> Thomas Danforth now or lately Treasurer of that Colledge and other preceding Treasurers and Trustees for that Colledge."<sup>396</sup> In the meantime he had not forgotten his promise to Governor Hinckley, and had presented the address praying that a charter be granted to Plymouth colony,<sup>397</sup> but the desire of that colony was never to be fulfilled, and it seems probable that there never was any intention of gratifying it.

While Randolph was crossing the ocean and making preparations

<sup>396</sup> *New England Historical and Genealogical Register*, Vol. XXXVII. p. 156. Edward Randolph to the Archbishop of Canterbury, 26 March, 1684, post.

<sup>397</sup> *Hinckley Papers in Boston Public Library*. Letter of Randolph to Thomas Hinckley, from Whitehall, 4 March, 1683-4, post.

*Massachusetts Historical Society Collections, Fourth Series*, Vol. V. p. 123. Letter of Thomas Hinckley to William Blathwayt. "New Plymouth in N. E. 16 March 1683-4. Sir, I am to acquaint you that since Mr. Randolph's departure for England, by whose hand I sent you a letter and enclosed therewith our humble address and petition to

his majesty, renewed, with a copy of our old patent (understanding by M<sup>r</sup> Randolph that the former copy sent was mislaid) I received your loving letter of the 27th of September 1683, and return you hearty thanks for the assurance you give us of your readiness to promote our interest and welfare in despatch of the concerns of our patent (who were almost ready to despise). Hoping to find grace in his [King's] sight, especially as to the assurance of the continuation of our religious liberties, not that we would infringe the liberties of others of orthodox principles, much less of such as desire to walk in the exercise of their religion according to the way of the Church of England.

preparations for another attack on the Charter, a stirring event had taken place in Boston, which had great influence throughout Massachusetts and the neighboring colonies. At a town meeting where a submission to the pleasure of the King was discussed, "Nowell stood up and declared, that those which were free to deliver up their Chart<sup>r</sup> and Right to the Countrey should hold up their hands, not one man held up his hand, w<sup>ch</sup> caused one of the freemen to hold up both hands, and with Larg acclamations cryed out, the Lord bee prayfed. Mather stands up and exhorts the people telling them how their forefathers did purchase it, and would they deliver it up, even as Ahab required Naboth's Vineyard: oh, their Children would be bound to curse them."<sup>398</sup>

The

<sup>398</sup> *State Papers, Colonial, Bundle 54* (254). Abstract of a Letter sent to mee March ye 14, 1683 from Boston in New England, rec'd 30 May 1684 post. This letter gives the date of the town meeting as Jan. 21. Cotton Mather says in his *Parentator, Memories of Remarkables in the life and death of the ever memorable Dr. Increase Mather, 1724*, p. 90, that when "The Question was offered to M<sup>r</sup> Mather whether the country could without a plain Trespaſs against Heaven do what was Demanded of them; and in his Elaborate Anſwer to it Demonstrated, that they would a&t neither the part of *Good Christians*, nor of *True Englishmen* if by any A&t of theirs they ſhould be acceſſary to the Plot then manageing to produce a *General Shipwreck of Liberties*. When the Freemen of Boston met on Jan. 23, that they might give Instructions to their Deputies for the General Court, and the Deputies with others desired him to be preſent and give them his Thoughts on the *Cafe of Conscience* before them,

he made a ſhort ſpeech in the Town House, and This was it, as I find in his own Copy of it. 'As the queſtion is now Stated, whether you will make a full Submission and entire Reſignation of your Charter and the Priviledges of it unto his Majesies Pleaſure, I verily Believe We ſhall Sin againſt the God of Heaven if we vote an affirmative unto it. The Scripture teacheth us otherwife. We know what Jephthah ſaid, *That which the Lord our God has given us, ſhall we not poſſeſſ it?* And though Naboth ran a great Hazard by the Reſuſal, yet he ſaid *GOD forbid that I ſhould give away the Inheritance of my Fathers.* Nor would it be *Wisdom* for us to Comply. We know, *David* made a Wife Choice, when he chose to fall into the *Hands of GOD* rather than into the *Hands of Men*. If we make a full Submission and entire Reſignation to Pleaſure, we ſhall fall into the *Hands of Men* Immediately. But if we do it not, we ſhall keep ouरſelves with his Providence: and who knows what God may

The letter which gave an account of the meeting spoke also of a report that the fortifications in Boston harbor were to be put in order,<sup>399</sup> that all the magistrates, who favoured submission to the Crown, were to be turned out of office at the next election, "and its thought they designe to opose any power from the King." It being very important that the forts in the colony should be placed in the hands of those favoring the royal policy Randolph petitioned that the King "would be graciously pleased to grant commissions to Such loyall & able Gen't inhabiting that Country to have the command & charge of the f<sup>d</sup> fforts & Castle and also to receive instructions for preventing irregular trade."<sup>400</sup>

Evidently feeling assured that the suit against the colony would soon be ended he presented a petition, on April 9th, to the Committee asking that in addition to his other charges he might be allowed the sum of £12. "for my charges and p<sup>r</sup>sent Expenses till the Tryall upon the Quo Warranto be determined."<sup>401</sup> In this expectation he was disappointed, for the new writ issued on April 16th was found to be defective in form, causing a delay. The matter was placed in the hands of Attorney General Sawyer, who

gave

may do for us?' The Question was upon the Vote carried in the negative *nemine contradicente* and this Act of Boston had a great Influence upon all the Country."

<sup>399</sup> *Massachusetts Records*, Vol. V. p. 418. 10 October, 1683. Committee appointed to oversee the repairs to the castle. p. 467. 28 January, 1684-5. Committee appointed to examine the accounts in regard to the castle.

<sup>400</sup> *Massachusetts Archives*, Vol.

CVI. p. 311. Petition of Edward Randolph to the King, *post*.

<sup>401</sup> *State Papers, Colonial, Bundle 54* (248.) To the R<sup>t</sup> Hon<sup>ble</sup> ye L<sup>ds</sup> of y<sup>e</sup> Committee for Trade & forraign Plantations. 9 April, 1684, *post*. On July 19th he was granted £50. See *Moneys received and paid for Secret Services, Camden Society*, *post*.

For Mr. Randolph's affidavit about serving the Quo Warranto, see *State Papers, Colonial, Bundle 54* (203), *post*.

gave his opinion on May 13th that "upon Advice with the Kings Councill I conceive the best way to reach them will bee by a *Scire facias* against the Company to repeale the patent and upon a nihil returned by the sherife of London, a second speciall writ bee directed to Mr. Randall [Randolph] or some other person who shall give them notice in time before the returne of the writ who may make returne thereof."<sup>402</sup>

Before the news reached Boston that a suit was to be brought in the Court of Chancery instead of the King's Bench, the magistrates had written to their attorney, "Wee hope you will use your endeavour to spinn out the case to the uttermost. We question not but the council which you reteyne will consult my lord Cooke his fowerth part about the Isle of Man, & of Guernsey, Jersey and Gascoine, while in the possession of the Kings of England, where it is concluded by the judges, that these, being extra regnum, cannot be adjudged at the Kings Bench, nor can appeale ly from them. Also, if there be such a thing as an appeale from a judgment in the King's Bench, by a writt of erro' to the Exchecquer Chamber, we hope you will endeavour for us, that whatsoever benefit the law affords, we may, by due & meet applications, be partakers of the same."<sup>403</sup>

At the time that Randolph expected to fail shortly for  
Massachusetts

<sup>402</sup> *State Papers, Colonial, Bundle 54* (188). Opinion of Mr Attorney Genl touching the *Quo Warranto ag<sup>t</sup> N: Eng<sup>d</sup> 13 May 1684*, also Randolph's letter of May 2, post.

The Writ of Quo Warranto to deliver up the charter to the Court of Chancery, "there to be cancelled," of

the 16th. of April, is found in *Massachusetts Archives*, Vol. CVI, p. 321.

<sup>403</sup> *Massachusetts Records*, Vol. V. p. 439. Courts Letter to Robert Humfreys, 10 May, 1684. "Appeals into England are not referred in our Charter." See *Winthrop's New England*, Vol. II. p. 246, ed. 1853.

Massachusets he wrote to Sir Robert Southwell. "I have been full of distracting busines and attendance about the prosecuting the Quo Warr<sup>to</sup> and now at last we have discovred a fundamentall mistake in the first step, the Clerk having directed his Writt against the perticular persons in y<sup>e</sup> Gom<sup>t</sup> whereas it ought to be brought against the Gov<sup>r</sup> & Company etc: This night I am to give M<sup>r</sup> Blathwait an account at Winsor & beleive I must be engaged to make the other voyage to New Eng<sup>d</sup> to make a compleat service. I heare 2 ships are going for N. Eng<sup>d</sup> from Bristol & if I have speedy orders to be gone intend to gett a passage from thence upon one of them."<sup>404</sup> A few days later he wrote, "I hope to be ready in a fortnights tyme if there be a neceffity of my fayling yet once againe upon y<sup>e</sup> same errand. We heare that Commission of Admiralty is expiring & to revert to his Royall Highnes [Duke of York]. Dr. Oates arrested Saterday last at y<sup>e</sup> Dukes suite (as reported) for scandalum magnatū. I humbly thanke you for your kind invitation to Kings Weston & send to M<sup>r</sup> Southwell & the young ladyes the inclofed to ad to their Collection of pictures."<sup>405</sup> Before he wrote again, at the interval of four days, matters had so shaped themselves, that his departure was to be postponed for some time: "Such hath been y<sup>e</sup> variety & truely inconsultednes in our late method relating to y<sup>e</sup> proceedings

<sup>404</sup> *Collection of Sir Thomas Phil-lips.* Letter of Randolph to Sir Robert Southwell, 3 May, 1684, *post*. In this letter he speaks of searching by request, and engaging his "University acquaintance" to do the same, for a college man, evidently to be a travelling tutor to Sir Robert's son, and also of his

brother Bernard having a post in the Plantation office, being fully qualified for his position, having travelled extensively on the Continent and in the East, and being familiar with different languages.

<sup>405</sup> *Ibid.* Letter of Randolph to Sir Robert Southwell, 13 May, 1684, *post*.

ings against the Bostoners Charter That till Thirsday last I expected his Ma<sup>ty</sup> Commands to make another trip to New Eng<sup>d</sup> but then with some difficulty Mr Blathwayt convinced Mr Attorney (who all along covered the oversight or rather neglect of his clerk), of the former error, & now by his report wee are fetled in another way & I hope by the end of next term to gett Judgm<sup>t</sup> entred ag<sup>t</sup> their Charter, unlesse prevented by some extraordinary providence (as the Bostoners hope for) for I find every one concerned that there hath been so great delayes in a busines of such concern to his Mat. I am promised a dispatch of all our N. Eng<sup>d</sup> affaires in 2 months tyme. I am now engaged to solicite new man in a new prosecution.”<sup>406</sup>

The rumor that the colonists, not intimidated by the news from England, were determined to elect only magistrates who would uphold the charter, proved to be correct. Among the five who were dropped at the annual election was Joseph Dudley. He was, however, elected again in 1685, but dropped a second time in 1686.<sup>407</sup> Another address was sent

<sup>406</sup> *Collection of Sir Thomas Phil-lips.* Letter of Randolph to Sir Robert Southwell, 17 May, 1684, *post*. His pass from the King was dated 24 May, *State Papers, Colonial, Bundle 54 (307)*, *post*. At this time Governor Cranfield wrote from New Hampshire to the committee that Mr. Mather, the minister of the North Church in Boston, had made “an insolent speech,” telling the people that the inheritance God had given them was like to be taken away, that another minister near Boston declared that Hugh Peters was unlawfully put to death and died a martyr: “Such

virulent and malicious Speeches of the ministers poyson the Ignorant people and while they are suffered to preach no true Allegiance will be found in these parts; itt is my humble opinion that the Church of England be establised and these silenced.” *Jenness’ Transcripts*, 14 May, 1684.

<sup>407</sup> *Massachusetts Records*, Vol. V. p. 407, 436. The five assistants dropped were Jofeph Dudley, William Browne [Browne], John Hull, Bartholomew Gidney and Daniel Fisher. The five elected in their places were Elisha Cooke, William Johnson, John Hawthorn, Elisha Hutchinson,

sent by the General Court to the King under cover of a letter to Mr. Humphreys, their attorney, who was to present it or not as he should think best, but the time for petitions had passed.<sup>408</sup> A month after Mr. Dudley had been left out of the magistracy he wrote to Randolph, evidently in reply to a letter received from him, "I suppose, notwithstanding all the delayes you complain of, if M<sup>r</sup> Atturney General please *Trinity Term* may end His Maj<sup>ties</sup> suit, & make Way for his perfect Satisfaction. When I may expect to satisfy myself. Wee well know that your Influence & Industry may prevail much. S<sup>r</sup> Wee drink your Health."<sup>409</sup>

Not having heard of the death of his brother Gyles, Randolph wrote to him on June 19th saying, "I send this only  
to

Hutchinson, and Samuel Sewall. Neither William Stoughton nor Peter Buckley, who were reelected in 1684, took the oath of office, according to the records.

<sup>408</sup> *Massachusetts Records*, Vol. V. p. 439, 440. Also *Massachusetts Archives*, Vol. CVI. p. 323. "Wee prostrate ourselvses at your Maties royall feete, and humbly begg your maties royall favour not to charge it upon us as proceeding from any disloyall inclinations, or the perversenes of our minds, that wee cannot make such full submission and entire resignation to your ma<sup>ties</sup> pleasure as in your ma<sup>ties</sup> declaration is intimated. Under the security of the charter granted by your royall father, our fathers left all that was deare to them in your maties three Kingdomes, not for the sake of outward advantages, but that they might not be offendors against either church or state in those things the enjoyment whereof they put farr greater

value upon then their private interests & proprieties. Wee humbly supplicat that there may not be a further prosecution had upon the quo warranto, and believe that in times to come it will be no regret of minde to your ma<sup>tie</sup> that your distresed New English subjects have been relieved by your soveraigne grace."

Nathaniel Mather writes on May 19th to Increase Mather: "Possibly I may be driven to remove tho' whither I know not, at present I see no place that is like to bee quiet, unlesf you in New England bee. But if your Charter bee gone, & other Governors appoynted, I expect not any other but that your Ministers must conform or bee packing." *Massachusetts Historical Society Collections, Fourth Series*, Vol. VIII. p. 56.

<sup>409</sup> *Massachusetts Historical Society Collections, Fourth Series*, Vol. VIII. p. 484. Letter of Joseph Dudley to Edward Randolph, 7 June, 1684, post. Also *Andros Tracts*, Vol. III. p. 210.

to acquaint my friends what was done in their Charter yesterday at y<sup>e</sup> court of Chancery: A Rule for judgment to be as of this Term: but in case they shall appear by the first day of next Term & plead so as to go to tryall that Term, then the judgment not to be recorded. By the inclosed you see what is done with Dr. Oates. Here was a flying report that Ferguson was taken, but that is contradicted. My blessings to my dear Children. My service to Mr. Shrimpton, Mr. Wharton, & Mr. Usher & to all my friends.”<sup>410</sup> The rule referred to was made after argument, the counsel for the King praying that judgment might be entered immediately for the non-appearance of the defendants, while the counsel for the colony stated they had no notice of the writs of *Scire facias*, “tho’ they had of the Quo Warranto lately brought and therefore prayed time to send over to New England to have an answere.” The Court then decided that in case the defendants did not appear at the next term “the said Judgment is to stand and to be recorded accordingly with<sup>t</sup> further md<sup>c</sup>on.” Attorney General Sawyer made the endorsement, “This is the Order pronounced by the Court; pray lett it be entred; It very much concerns the King.”<sup>411</sup>

While

<sup>410</sup> *Historical Papers* of C. W. Tuttle, p. 325. Letter of Edward Randolph to Gyles Randolph, 19 June, 1684, *post.*

<sup>411</sup> *State Papers, Colonial, Entry Book 61*, p. 203. Order of Chancery for entring Judgem<sup>t</sup> ag<sup>t</sup> the Maffachusetts Charter if they doe not come to Tryall next terme. 21 June, 1684, *post.*

In *History of Maffachusetts Bay*, by T. Hutchinson, 2d edition, Vol. I. p. 340, is the following: “The proceedings were in this form and order.

The first scire facias, directed to the sheriff of Middlesex bore test 16th Ap. 36 Car. 2d. whereon a nichil returned. Trin. 36 Car. 2d. an al. scir. fac. directed to the same sheriff, returned 2d June 1684, whereon another nichill returned. 12th June 36 Car. 2d. the agent for the company moved by his council for time, to send to New England for a letter of attorney under the corporation feal, to appear and plead to those scire facias’s, until Michaelmas term

While waiting for judgment to be finally entered Randolph presented to the Committee an account of Massachusetts, in which he emphasizes the news that "the Magistrates there have been very busy in repairing their fortifications; that very seditious and inconsiderable persons were chosen in the place of Mr. Dudley" and others who were loyal; that "the faction having gotten the sole government into their hands (a thing never till this time attempted) may in a short time prove very prevalent and dangerous"; the Acts of trade and navigation cannot be executed; "What the Evill consequences of these proceedings if not speedily taken notice of & prevented may prove is humbly Submitted to your Lord<sup>ps</sup> considerations"; he alludes, however, to the existence of a loyalist party by stating that "70 of the cheif Merchants and Gen<sup>tm</sup> accompanied M<sup>r</sup> Stoughton and M<sup>r</sup> Dudley to their homes," on the day Mr. Dudley was defeated

term then next, when the court ordered Mr. Attorney should be attended thereon, to shew cause the last day of that term why the defendants should not have time to appear. Mr. Attorney moved against that order, and had it in some part set aside, but waved it, and on hearing council of both sides it was ordered, 18th June 84. That judgment be entred up for his Majesty as of this term, but if defendants appear first day of next term and plead to issue, so as to take notice of a trial to be had the same term, then the said judgment by Mr. Attorney's consent to be set aside, otherwise the same to stand recorded. On the first day of Michaelmas term following, the company's agent retained counfel to move, and brought several merchants to testify, in the court of chancery, that in the time given it was

impossible to have a letter of attorney returned from New England, so, as they had not given time long enough to perform a matter, it was, in effect, giving no time at all; for a time not sufficient was equally fatal to no time given. To which the then Lord Keeper replied, that no time ought at all to have been given, in regard that all corporations ought to have attorneys in court at all times to appear for them upon all occasions. And so set aside the order for time to appear and plead, and judgment was entred as in the copy."

Although the periods of the terms of court varied somewhat at different times, roughly stated Hilary term was in January, Easter in April and May, Trinity the last of May and part of June, and Michaelmas in the autumn.

feated at the polls.<sup>412</sup> To his friend, Mr. Shrimpton, one of the loyalists in the colony, he writes, "I find all are mad in your country, and that *Mr. Mather, y<sup>e</sup> Bellowes of Sedition & Treason, has at last attained his end in setting his fools a horseback.* If they do not mend their manners, some of them may ride to the divill. No better newes could come to me then to heare Mr. Dudley principally was putt out of y<sup>e</sup> Election, the fitter man to serve y<sup>e</sup> King & his Country in an honorable station; for they have declared him so: I hope in god all will do very well, except your madmen endeavour to run y<sup>e</sup> people into a Rebellion. You have Mr. Mather's letter sent to Mr. Gouge of Amsterdam, sent to Major Dudley; I desire him to let you have a copy of it, pray have a strict eye upon my daughters Betty & Mary. Their sister Jane hath shewn them a very bad example, & is a lost child to me. God give grace to repent. S<sup>r</sup> George Downing is dead: I send my Brother over to succeed my Bro. Gyles. I am in great haft & greater trouble."<sup>413</sup> The letter alluded to, a copy of which was obtained by Randolph, has led to considerable interest and discussion. Mather denied being the author of it, and intimated that Randolph himself might be the writer, having skillfully counterfeited his signature. This accusation led to a suit brought by Randolph against Mather, which will be mentioned later. The authorship still remains a mystery.<sup>414</sup> To Mr. Shrimpton he wrote again

<sup>412</sup> *State Papers, Colonial, Bundle 54* (270). *Representation of Mr Randolph of the State of Massachusetts Colony, 16 July, 1684, post.* Also *State Papers, Colonial, Entry Book 107*, p. 324.

<sup>413</sup> *Mather Papers*, Vol. V. p. 68, in Boston Public Library. Letter of Edward Randolph to Samuel Shrimpton from Whitehall, 18 July, 1684, *post*.

<sup>414</sup> *State Papers, Colonial, Bundle 55* (382). Mr Mather? to Mr Gouge? at

again in a few days, having been attacked by Governor Cranfield, whose candidacy for governorship of Massachusetts he did not approve, and by Mr. Dyre, whose office of Surveyor General of Customs for all the colonies and plantations in America,<sup>415</sup> conflicted with his own. "I am prepared to answeare Gov. Cranfield & M<sup>r</sup> Dyer's reports of me. I have not tyme to write particularly to y<sup>r</sup> Lady, as I ought, but I intreat her to give creditt to me, when I assure her that nobody in your Colony will be disturbed in their worship; but when I heare how foolish your people have been in their late Election, I cannot but very much blame Brother Allen,<sup>416</sup> who cannot forbeare blowing the belloues. Its naturall to him to be meddling in Gou<sup>t</sup> & now lett the party see what a monster they have made of their Magif-tracy,

at Amsterdam. Boston in New England the 3<sup>d</sup> of the X<sup>th</sup> 1683, post. The letter is printed in the *Massachusetts Historical Society Collections, Fourth Series*, Vol. VIII. p. 104, with several verbal differences and some words omitted, and ending with the phrase, "copied out October 24. 1684." The letter was considered such an important piece of evidence in showing the rebellious feelings of the New Englanders, that Lefstrange, the Tory editor, took notice of it in the "Observator" by order of government. For Mr. Mather's denial that he was the author see his letter to Dudley 10 Nov. 1684, in *State Papers, Colonial, Bundle 55* (384), post.

<sup>415</sup> *Massachusetts Records*, Vol. V. p. 530. Certificate of the appointment of William Dyre, Esq., Surveyor General of Customs, 4 January, 1682-3.

*Colonial Records of Connecticut*, Vol. III. p. 344. "William Dyre was commisioned by the Duke of York Collector

of his customs in America, and came to New York with Andros in 1674. In 1681 the arbitrary imposition of customs was resisted by the merchants of New York, and Dyre was indicted for high treason, for having enforced the collection of unlawful duties and customs, and was sent to England for trial. No one appearing to prosecute the charge, in September, 1682, he was discharged from his bonds, and a few months afterwards was again despatched to America with more ample powers."

Cranfield had hired a house in Boston and told the inhabitants he was sure of being appointed Governor upon the vacating of the charter. See Randolph's letter to the Bishop of St. Asaph, March, 1685, post.

<sup>416</sup> "The Reverend James Allen, a graduate of Oxford, came to America in 1662. He died while minister of the first Congregational church in Boston September 22, 1710, aged 78 years."

tracy, composed of ffooles & knaves: I am extreamly sollicitous that Mr. Dudley might have the sole Gou<sup>t</sup> of N. Eng<sup>d</sup>, for no man better understands the constitution of your country, & hath more loyalty & respect to his Ma<sup>ties</sup> affaires, but I dare not openly appeare in it, least it be thought there is some private design in it, butt I am upon all occasions hinting his meritt to his freinds: but as yet there are no resolutions taken, wheither one Gou<sup>r</sup> over the whole, or a distinct Gou<sup>r</sup> over your Colony, to be allowed of by his Ma<sup>tie</sup>, with the addition of N. Plymouth. Every body here that is generally well inclined to your Country are so startled, that I am forced to take paines to convince them that the late proceedings are not the act of the whole Colony. Once more I make my solemn protest, that if *your ministers do not preach up rebellion, as lately Mr. Nowell<sup>417</sup> did in his Artillery Sermon, & Mr. Mather in his late letter, they may preach till they and all their hearers are tyred.*"<sup>418</sup>

The

<sup>417</sup> The Artillery election sermon was preached by Samuel Nowell in 1678. See *Records of the Ancient and Honorable Artillery Company*. Randolph has evidently confounded that sermon with one preached later.

*Sibley's Harvard Graduates*, Vol. I. p. 335. Samuel Nowell born in Charlestown 1634, graduated from Harvard 1653, Tutor or Fellow 1655, Assistant in 1680, and elected annually to that office until dissolution of charter. He died in London in 1688, where he had joined Increase Mather in a remonstrance against the encroachments on the rights of New England.

Increase Mather, son of Rev. Richard Mather, was born 21 June, 1639. Harvard College, 1656. Received A.M. from Trinity College, Dublin 1658.

Preached in England. Returned to Massachusetts 1661. Ordained Teacher of the Second Church in Boston, 27 May, 1664, discharging this office till his death, 23 August, 1723. Refused office of President of Harvard College 1681, but accepted it in 1685. Head of the college for sixteen years. Embarked in disguise 7 April, 1688 on ship *President*, for England carrying addresses to James II. Obtained new charter for Massachusetts from William and Mary, returning with it 14 May, 1692.

<sup>418</sup> *Mather Papers*, Vol. V. p. 69, in Boston Public Library. Letter of Edward Randolph to Samuel Shrimpton, 26 July 1684, printed in *Massachusetts Historical Society Collections*, Fourth Series, Vol. VIII. p. 225.

The suit in the Court of Chancery did not suspend that in the Court of King's Bench, the one being against the corporation, the other against individuals, consequently Mr. Humphreys made preparations to defend both suits, although he felt there was no chance of success. "I heare without dores a Governour is designed yow with that certainty as if the matter would not endure an howers debate, but I can give you some negative Comfort, that M<sup>r</sup> Cranfield will not be your Governor. I should be extreamly pleased to have one or two of your selves here to oversee matters, to take share of my cares, and feares and regulate disbursm<sup>ts</sup>."<sup>419</sup>

The result of the suits depending chiefly upon Randolph's activity and perseverance, "my enemyes here in London," as he writes, "whose hostility has been raised by my continued zeal to settle his Maj<sup>ties</sup> affaires in n. England," made a move against him, which might have delayed the rendering a judgment for some time. He was arrested for debt, and, not being able to procure bail, was imprisoned. He begged the Archbishop of Canterbury, who evidently was deeply interested

<sup>419</sup> *Massachusetts Archives*, Vol. CVI. p. 326. Letter of Robert Humphrey to Secretary Rawson about the prosecutions of the Crown against Massachusetts Charter, 28 July, 1684. "The leaving out of M<sup>r</sup> Dudley in your late choice is improved here by M<sup>r</sup> Randolph (your fast friend) as a matter of stubbornnes and disloyalty. In the prosecution in the King's bench Crowne office on the first Writt ag<sup>t</sup> the Governor and Assitants by name I must have a particular Lre of Attorney from them personally signed & sealed before Witnessse wherein M<sup>r</sup> Dudley must Joyne, with power for me to defend &c. as in yo<sup>r</sup> Lre of Attorney for the Corpor. *mutatis mutandis*. I have some thoughts of pleading the Pendency of the writt to the new scire facias if yo<sup>r</sup> Councell agree but I keep that from them at present. Pray send per next a complete volumn of your laws in force, I begg yow would give the worthy Govern<sup>or</sup> my humblest Respects, and assure him and yo<sup>r</sup> whole Corpora<sup>n</sup>on that I will neither be frightened nor yet complemented out of serving them to the utmost power of yo<sup>r</sup> affectionate friend and Sert. Robert Humphreyes."

interested in Randolph's success, to come to his aid. "I still lie under a very chargeable confinement: which will speedily ruin me & otherthrow his Maj<sup>ties</sup> intentions to reduce that whole plantation to the rules of Goverm<sup>t</sup> in regard I have no visible estate in Eng<sup>d</sup> & so cannot procure Bail to the Action as is expected. I humbly submitt myselfe to your Grace's favour entreating that your Grace will please to promote so Christian a propofall that others of the Lords of his Maj<sup>ties</sup> Councill being encouraged by your Graces Example may in a few days make that money up, 220£; yesterday a Gent<sup>a</sup> condoling my unhappy condition offered me 50£ to be deposited in the hands of the Sheriffe as Caution for my liberty till y<sup>e</sup> next Term begins; and that loan will be then duely returned. My lord, this present advance will be of greater benefitt to me than above twice as much given me at Mich<sup>s</sup> for this is the tyme of my extremity & I shall thereby be enabled to solicit the procuring my money in the Treasury."<sup>420</sup> His request was undoubtedly granted immediately, for his services were very valuable to the Crown officers. On the 4th of September he wrote to Governor Bradstreet promising to send him, whenever an opportunity offered, information relative to the progress of affairs which he could hardly have done, if still confined. "I shall not faile, by way of Barbados, if opportunity,

<sup>420</sup> *New England Historical and Genealogical Register*, Vol. XXXVII. p. 158. Letter of Edward Randolph to the Archbishop of Canterbury, 23 August, 1684, *post*. About this time Thomas Glover wrote to Thomas Hinckley: "We live in bad times. I doubt the same evils

will at least, in a great measure, reach you. Were it not for fear of the losf of those enjoyments that are enjoyed in New England, very many of us should certainly retire to New England." See *Massachusetts Historical Society Collections*, Fourth Series, Vol. V. p. 129.

tunity, of shipping present not here for Boston, to give your Hon<sup>r</sup> advise how your affaires are here like to be carried. I pray God grant it may all answear the expectations of the good & prudent people in your Colony, and end in your perfect peace & tranquillity. Nothing as yet can be done till the beginning of next term, and then, in case they [in] tyme enough send over new power to their Attorney to plead upon his appearance, it will but inflame the reckning. But what care your people: They have the Gout now, & will hold it as long as they can, knowing they shall never be troubled more in that station. Its no wonder you and severall of y<sup>e</sup> Magistrates had so few votes at y<sup>e</sup> nomination, when one of the Sanedrim [Rev. Increase Mather] had so magisterially prejudged you all. When *S<sup>r</sup> Lionell Jenkins asked me what his name was who wrote the letter, & finding it to be Mr Mather (as I could well informe him) he said, what, is it that Star-Gazer; that halfe distract<sup>d</sup> man? & tooke no more notice of him (as he deserved). In this letter he has treated me very much unlike a Good Christian, much lesse a minister of God's word. Butt I thank God I heartily forgive him, and pray that he may repent of so great a sin against the king." The letter had denounced in severe terms the actions of the royal government, "the death of that good Lord Russell, and how barbariously the Earle of Effex was murthered in the tower, this Randolph has beene a Mortall Enemy to our Country and most say if he had not often moved his Maj<sup>ty</sup>, it would neaver have beene his Concerne to attack the charter; God will Surely follow him where Ever he goes for he has much prejudiced us. If he should miscarry in his Voiage it is Gods Just Judgm<sup>t</sup>." The letter*

letter goes on, " Could any thing be contrived of more dangerous consequence at such a critall minute, as this paper. All the enimyes you have (if you have any) could not give so mortall a wound to your ecclesiasticall affairs as this; for what prince will suffer their subiects to be instructed by such Teachers, when one of the chiefe vents abroad into the world for great truth, such seditious discourses as these; after all this my busines shall bee to gett all that is past buried here in oblivion; praying heartily that your people may study to be quiett, & in all duty & obedience submitt to those powers that are sett over them; Some of them (I feare) believing their Liberty is as large as their consciences." <sup>421</sup>

The colonists not having heard that a new suit had been brought against them were very much surprised at the news of it received by a letter from Mr. Humphreys to Mr. Dudley, the contents of which were communicated to the General Court at a special meeting.<sup>422</sup> The other New England

<sup>421</sup> *Mather Papers*, Vol. V. p. 76, in Boston Public Library. Letter of Edward Randolph to Simon Bradstreet, 4 September, 1684, *post*. Printed in *Massachusetts Historical Society Collections, Fourth Series*, Vol. VIII. p. 527.

<sup>422</sup> *Massachusetts Records*, Vol. V. p. 449. The court met on 11 September, the Governor declaring the grounds for calling the meeting. *Ibid.*, Vol. V. p. 451. Secretary Rawson writes to Mr. Humphreys 12 September. "By a private letter to Joseph Dudley, Esq; wee are informed of new measures taken at Court, in our case, at w<sup>ch</sup> wee are amafed." The copy of the letter, made by Mr. Dudley, is found in *Massachu-*

*setts Archives*, Vol. C VI. p. 332, in which Mr. Humphreys gives a detailed account of the entire proceedings up to the date of his writing. "Upon M<sup>r</sup> Randolph's return & application to the Secretary M<sup>r</sup> Attorney Generall was sent for & the London Secondaries per-  
suaded to return a Summons against your Corporation which it seemed he thought himselfe not safe in doing. Being sent for by M<sup>r</sup> Attorney I waived answering and desired that if I must be catachised it might be in writing, there was present M<sup>r</sup> Attorney M<sup>r</sup> Solicitor M<sup>r</sup> North, M<sup>r</sup> Randolph & M<sup>r</sup> Burton the Solicitor of the Treasury & M Ward the clerk of the Kings Bench Crown

England Colonies forming the Confederation, feeling that the blow against Massachusetts was also aimed at them, ordered through their Commissioners then fitting at Hartford, that the 22d of October should be kept as a day of humiliation and prayer.<sup>423</sup> The address to the King prepared

Crown office against you I was dismift as unmalleable. Some days after I was sent for by my Lord Chief Justice who asked if I had authority to appeare for your corporation. Before answering I desired to know if they had issued any writ against the Corporation. The prosecutors replied they had not, but had sent one against the Governor and Assitants by name. I told them I had no warrant but under the common seal of your company which would not Jufitify appearing for perticular members & his Lordship told them the writ would not do so I was dismift then also. Soon after a Scire facias and alias was sent into Middlesex against your patent out of y<sup>e</sup> Petty bag office in Chancery & two nihills returned. I advised as I had done severall times with S<sup>r</sup> Francis Pemberton, M<sup>r</sup> Holt etc. who upon consultation to prevent the entring up of Judgm<sup>t</sup> against your patent advised a motion in Chancery whereon was made the order inclosed of y<sup>e</sup> 12th instant. I have since attended M<sup>r</sup> Attorney Gen. who will give no quarter but stands upon our so appearing as to try it next tearm. 18 June M<sup>r</sup> Attorney moved in Chancery for setting aside the order of the 12<sup>th</sup> & upon the debate had it was ordered Judgment should be entered against you but with a stay of execution if you appeared by the first day of Michs tearm & plead so as to try it that tearm. I have retayned three chancery practisiers M<sup>r</sup> Keck, Phillips & Rawlinson. I have as much as I could taken your Secretaryes advice in being a

good Husband, but yo<sup>r</sup> best Councill will be best payd. Pray see that I be not pincht for money, since rowing against wind & tide all hands must be employed & you well know what tooles work here. Your witnesses, who must be men of fence, must be sent as soon as you can leaft we be forced to tryall the next tearm, though we shall Hang back as much as may be & you see the Judgm<sup>t</sup> over our heads tenui pendens filo. Bermudas had a tryall against them this tearm & judgm<sup>t</sup> for y<sup>e</sup> King & no corporation is found suffi- ciently fortifyed against Quo Warrantos. If we plead to Issue we must be sent into y<sup>e</sup> Kings, if upon demurrer my Lord Keeper will give Judgm<sup>t</sup>.

<sup>423</sup> *Massachusetts Records*, Vol. V. p. 463. 17th of September 1684. The order was signed by Robert Treat as President.

In the *Massachusetts Archives*, Vol. CVI. p. 329, is found under the date of September 12 an addres to the King, which appears also in the *Massachusetts Records*, Vol. V. p. 457, under the date of October 15, reiterating what had already been said in regard to the early planters leaving England because they could not conform to certain ceremonies of the Church of England. They beg that the King will show them favour, having just heard from private sources, that without legal notice a scire facias had been issued and judgment entered against their charter. In *Ibid.*, Vol. CVI. p. 334, under date of 30 October, 1684, is a full draft of an "answer of

pared by the General Court was sent under cover of a letter to Mr. Humphreys. In this letter it was asserted that the quo warranto was never served in the colony on the persons named, "and our agents wholly deny that it was ever served on themselves in England. That now a *scire facias* should come from chancery to be returned within six weekes cannot but amaze us. Wee hope wee have not forfeited the privilege of Englishmen that wee should be condemned unheard, much less without being sumoned to appeare, which you know was impossible in the time prefixed." <sup>424</sup>

Petitions and addresses, as well as the efforts of counsel to stay proceedings on account of insufficient time given, were of no avail. The last foothold of Puritanism was lost. In the first week of Michaelmas term <sup>425</sup> judgment was entered against Massachusetts for non-appearance. "My Lord Keeper <sup>426</sup> cutt the ground from under us which wee stood upon by telling us the order of the 18<sup>th</sup> of June was a surprize upon his Lo<sup>p</sup> and that he ought not to have granted it, for that every Corporaçon ought to have an Attorney in

every

of General Court to the King respecting charges made against Massachusetts Government." In this the coinage is mentioned, which had been imputed to them as a crime. "In 1662 when our first agents were in England, some of our money was shewed by Sir Thomas Temple at the Council-Table, and no dislike thereof manifested by any of those honourable Persons, much less a forbidding of it."

<sup>424</sup> *Massachusetts Archives*, Vol. CVI. p. 330. Also *Massachusetts Records*, Vol. V. p. 458. "Courts letter to Mr Robert Humfreys sent w<sup>th</sup> ye addresse by Mr Ballston 7<sup>th</sup> November 84."

<sup>425</sup> The term began 16th of October. *Vernon's Cases in Chancery*, Vol. I. p. 253. Judg<sup>mt</sup> was entered up for his Maj<sup>tie</sup> ag y<sup>e</sup> Boston Charter; Octobr 23. 1684. See *Randolph's Short Narrative of his Proceedings and Voyages, post.*

Mr. Humphreys also gives the same date — 23 of October — as the day in which the last motion was made, see his bill of charges in *Massachusetts Archives*, Vol. CVI. p. 346.

<sup>426</sup> Sir Francis North, created Lord Guilford, who was succeeded in 1685 by Lord Jeffreys, as Lord Chancellor.

every Court to appeare to his Ma<sup>ties</sup> suite.<sup>427</sup> Therefore by the said court here itt is adjudged That the aforesaid Letters Patents soe as aforesaid to them the said Governor and Company made and granted and the Inrollment thereof be vacated Cancelled and annihilated and into the said Court restored there to be cancelled."<sup>428</sup> Knowing how critical their position was the General Court ordered, before Michaelmas term began, that "all records of this Court relating to his maj<sup>ties</sup> & our affaires in England be carefully kept & preserved,"<sup>429</sup> and, not knowing that the charter had already been condemned, November the 9<sup>th</sup> was appointed as a day  
of

<sup>427</sup> *Massachusetts Archives*, Vol. CVI. p. 343. Letter from Robert Humphreys about loss of charter. 2 May, 1685. Mr. Humphreys writes, "noe Corporacion in England (as I know) had at that time an Attorney in that Court soe impowered as to have appeared & pleaded to such Scire facias ag<sup>t</sup> there Charter. But the Dye is cast." The addresses he did not present, for they were not properly signed; "neither private hand nor publicke seale and soe must be lost."

<sup>428</sup> *Massachusetts Historical Society Collections, Fourth Series*, Vol. II. p. 246. An Exemplification for our Souaigne Lord the King against the Governor of the Mattachusets Bay in New England, signed Pengry. The authenticated copy dated from "Westminster the Thirteenth Day of October in the First yeare of our Reigne" [King James II. 1685] is at the State House in the custody of the Secretary of State. Having disappeared from view for some time, it was brought to light from its hiding place by the efforts of the editor, aided by Mr. Tracy and Mr. Brown, of the Department of Archives.

A copy of the judgment had already been sent by Mr. Humphreys in May, reaching Secretary Rawson on July 2<sup>d</sup>, 1685. Mr. Humphreys writes: "I have sent per Bearer a copy of the Judgm<sup>t</sup> ag<sup>t</sup> your Charter, Inner Temple May 2," and Secretary Rawson writes to Thomas Hinckley on July 2<sup>d</sup>. "I have received this day a large packet from our agent M<sup>r</sup> Humphreys, with a letter enclofed to our Governor and Council, in the whole, a forty seven sheets of paper in lawyers lines; a narrative of the judgment against our charter." See *Massachusetts Historical Society Collections, Fourth Series*, Vol. V. p. 141. See also *Massachusetts Archives*, Vol. III. pp. 38-44.

The judgment recites the charter in full and enumerates the infractions of its provisions, according to royal interpretation, viz: "they levy money without authority; they coin money; they impose an oath of fidelity to y<sup>e</sup> Governm<sup>t</sup>," etc.

<sup>429</sup> *Massachusetts Records*, Vol. V. p. 454. Order for transcribing letters, etc. 15 October, 1684.

of thanksgiving, for "the Lord our God doth yet continue unto us our liberties, both civil and ecclesiastical."<sup>430</sup> The charter having been vacated, it became necessary to establish some form of government by royal authority. On the 8th of November the Committee took into consideration "what Methods of Government may bee fitteſt for His Maſtys Service in thoſe parts, as alſoe that a Commission and Instructions bee prepared for Coll<sup>o</sup> Piercy Kirk<sup>431</sup> whom his Maſtys hath appointed Governor. Whereupon their Lo<sup>ps</sup> taking notice that the Government of the Province of New Hampshire being already in His Maſtys hands, are of opinion that it bee put under the Government of Coll<sup>o</sup> Kirk upon the Revocation of M<sup>r</sup> Cranfeld's Commission. And that the Colony of New Plimouth, having no legal Charter or Constitution may bee alſoe fit to bee annexed thereunto, together with the Province of Main. Their Lo<sup>ps</sup> doe likewife obſerve that the Colonys of Rhode-Island and Conecicut are governed at preſent by Charters granted by His Maſtys in the year 1663 which are not yet vacated by any Proceedings at Law. It is agreed that the Governor have a Council of twelve to bee choſen by the King, five to bee a quorum and that they bee ſuspended by the Gov<sup>r</sup> as hee ſhall ſee cauſe, and that an Aſſembly bee called when the Gov<sup>r</sup> ſhall ſee occation. [It is alſoe proposed that, upon the ſitting of an

Aſſembly,

<sup>430</sup> *Massachusetts Records*, Vol. V. p. 462. Day of Thanksgiving ordered ninth of November. 24 October 1684.

<sup>431</sup> *History of England*, by T. B. Macaulay, 1861, Vol. I. p. 480. "Colonel Percy Kirke, a military adventurer, whose vices had been developed by the

worst of all schools, Tangier." For his excessive cruelty towards the captives from Monmouth's forces see *ibid.*, Vol. I. p. 482, etc. The priſoners who were ſent into exile were not permitted to go to New England, for there they would have met with sympathy.

Assembly, the Gov<sup>r</sup> endeavor to pass an Act for confirming such Marriages as have been made by Magistrates, And that none bee made after that time but by the Clergy]. It is likewise ordered that there bee a Clause in the Commission giving particular Countenance and encouragement to the Church of England, And that one of the Churches at Boston bee set apart for that service. The Petition of M<sup>r</sup> Edward Randolph is delivered by my Lord President from His Ma<sup>t</sup>y, wherein M<sup>r</sup> Randolph prays that in consideration of his Services, hee may have a Grant of the place of Secretary and Recorder of the Massachusets Colony, which their Lo<sup>ps</sup> taking notice of his past services and ability to serve His Ma<sup>t</sup>y agree to report their opinion that the said Places bee conferred on him.”<sup>432</sup>

Happily for the inhabitants of New England, they were to be spared the presence of Colonel Kirke, whose services were required before long in England to quench in blood the dying embers of Monmouth’s rebellion. Before his commission

<sup>432</sup> *State Papers, Colonial, Entry Book* 108, p. 21. Measures to be taken after vacation of charter. At the Committee of Trade & Plantations, 8<sup>th</sup> November, 1684, *post*.

It was probably at this meeting that took place the scene described by Macaulay in his *History of England*, Vol. I. p. 214, ed. 1861. “At one of the last councils which Charles held a remarkable scene took place. The charter of Massachusets had been forfeited. A question arose how, for the future, the colony should be governed. The general opinion of the board was that the whole power, legislative as well as executive, should abide in the crown. Halifax [Lord Privy Seal] took the

opposite side, and argued with great energy against absolute monarchy, and in favour of representative government. It was vain, he said, to think that a population sprung from the English stock, and animated by English feelings, would long bear to be deprived of English institutions. Life, he exclaimed, would not be worth having in a country where liberty and property were at the mercy of one despotic master. The Duke of York was greatly incensed by this language, and represented to his brother the danger of retaining in office a man who appeared to be infected with all the worst notions of Marvell and Sidney.”

commission was superseded by that of Dudley as temporary President he had an unsatisfactory interview with Mr. Humphreys in regard to the Colony.<sup>433</sup> The clause in his instructions proposed by the committee in regard to an Assembly, which represented the people, being distasteful to the King, "my Lord Keeper acquaints y<sup>e</sup> Committee with His Ma<sup>ty</sup>s Pleasure That, in Colonel Kirk's Commission and Instructions noe mention bee made of an Assembly; but that the Governor and Council have Power to make Laws and to perform all other Acts of Government, till His Ma<sup>ty</sup>s Pleasure bee further known; the Council to be nominated by the Governor; all marriages contracted according to the Laws and Customs of New England bee confirmed by the Commission; that Liberty of Conscience which His Ma<sup>ty</sup> is pleased to grant to the Inhabitants bee mentioned only in the Instructions. Their Lo<sup>ps</sup> doe likewise think fit that such Lands as shall bee in His Ma<sup>ty</sup>s disposal in New England bee not granted to any person without a reservation to His

Ma<sup>ty</sup>

<sup>433</sup> "The Gentleman [Col. Kirke] was pleased lately to give me a visit and to informe me that he had heard of an addres lately come over from you to his Ma<sup>ty</sup> and that as haveing the Honour of being appointed your Governor He alone expected the being employed in presenting it. Whereto I confess to him that there was an addres come over but un-signed, wherein I would advise with your Counsell and accordingly steare my course, in the presenting and not presenting it, and by what hand to doe it. His Hono<sup>r</sup> was pleased to aske me some few other questions, which not haveing your directions in I was fullen, and begg'd his pardon for not answering, and soe between a small

threat and complement wee parted." See letter from Humphrey about losf of charter in *Massachusetts Archives*, Vol. CVI. p. 343, dated 2 May, 1685, post.

What the reslts would have been, if Colonel Kirke had come to Massachussets without a disciplined force to support his arbitrary authority can only be conjectured. The impetuous uprising of the people against Andros, when the news was received of the landing of the Prince of Orange in England, and before the succes of the undertaking was assured, would lead one to suppose that a similar action would have taken place, even if Colonel Kirke had not been forcibly resisted earlier.

Ma<sup>ty</sup> of two shillings sixpence at least for every hundred acres to bee paid as Quit rent; which Rate hee may alfoe augment as there shall bee occasion. It is likewise thought fit that Coll. Kirk bee directed to appoint one of the churches now in Boston for the exercife of Religion according to the Church of England." <sup>434</sup> As already mentioned, Randolph was in favor of Dudley being appointed, and Dudley himself had hopes of being sele&ted. He wrote to Randolph, "you will bee very easily capable to recommend your best Friends, who will bee such also as may bee acceptable to the Body of this people. If his Majesty should at first betrust the Goverm<sup>t</sup> wholly to persons among us, I am sure the change would be the leſs, & I believe the service performed to good satisfaction, both to His Majesty & people." He adds, if in the new settlement of the government, those who have been loyal should not be taken notice of some of the people would "fling up their caps for joy, that wee are negle&ted." <sup>435</sup>

Randolph did not hesitate to express his opinion that Colonel Kirke was unfit for the position, "I could not at any

<sup>434</sup> *State Papers, Colonial, Entry Book* 108, p. 35. Concerning Coll. Kirk — Quit Rents — Churches, 22 November, 1684, *post*. It is probable that the clause relating to the Assembly was struck out by the King at the suggestion of the Duke of York.

<sup>435</sup> *Mather Papers* in Boston Public Library, extract in the handwriting of Cotton Mather, of a letter from Joseph Dudley to Edward Randolph, dated 1 December, 1684, *post*. The extract is printed in the *Andros Tracts*, Vol. III. p. 210, edited by W. H. Whitmore.

(Prince Society.) Also in *Massachusetts Historical Society Collections, Fourth Series*, Vol. VIII. p. 483.

Randolph had evidently written to Dudley that probably Sir Edmund Andros would come in time as Governor. *Massachusetts Historical Society Collections, Fifth Series*, Vol. VIII. p. 447. Letter of Wait Winthrop to Fitz-John Winthrop: "Boston Nov. 11. 1684. Mr Randolph writes Mr Dudley that S<sup>r</sup> Edmund Andross will com Gov<sup>r</sup> hither."

any tyme believe he would make a fitt Gov<sup>r</sup> for thos people," and he feared that an oppressive rule would utterly destroy the New England colonies, for the inhabitants he writes "will not be forced."<sup>436</sup> "If they be once broken & dispersed into the Southern plantations, the French will certainly by degrees swallow up that great Countrey, planted & possessed by his Majesties subjects now above these 60 years, & so at length become masters of all his Maj<sup>ties</sup> West India plantations, which by the Benefit & Advantage of thos many Harbors in that Countrey may bee obtained."<sup>437</sup>

The colonists still clung to the hope that the King would, even if judgment were pronounced against them, still "contynue the goūment here in such a way as is intimated in his Mat<sup>ties</sup> declaraōon."<sup>438</sup> Of this hope Randolph writes, they "are so weake as to believe that his Mat<sup>ie</sup> will give them a pardon, & continue their Gom<sup>t</sup> to them with large powers."<sup>439</sup> As a new government was to be established in the Colony Randolph solicited the place of Secretary, although "I foresee that I am like to be very uneasy: for by letters lately received from my friends in Boston I am ad-vised that all the mischiefs which are expected to befall them are all laid to my charge & what will not a discontented people endeavour to bring upon a person who has little or

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<sup>436</sup> *Collection of Sir Thomas Phil-lipps.* Letter of Randolph to Sir Robert Southwell, 1 August, 1685, *post*.

<sup>437</sup> *Mather Papers in Boston Public Library.* Extract of a letter from Randolph to the Committee, 3 December, 1684, in the handwriting of Cotton Mather, *post*. Printed in *Massachusetts Historical Society Collections, Fourth Series*, Vol. VIII. p. 530.

<sup>438</sup> *Mather Papers in Boston Public Library*, Vol. V. p. 82. Letter of Simon Bradstreet to Edward Randolph, 8 December, 1684, *post*. Printed in *Massachusetts Historical Society Collections, Fourth Series*, Vol. VIII. p. 532.

<sup>439</sup> *Collection of Sir Thomas Phil-lipps.* Letter of Randolph to Sir Robert Southwell, 29 January, 1684-5, *post*.

no countenance from y<sup>e</sup> Gov<sup>r</sup>, who to gratyfe a freind may be induced to side with my enemies." In the same letter he speaks of having married again lately,<sup>440</sup> of having taken a journey to Holland on official busines<sup>s</sup>,<sup>441</sup> and of having presented to the Committee an account of his voyages and expenses, amounting to somewhat more than £200, with the hopes of being reimbursed by the Treasury.<sup>442</sup> Of Governor Cranfield he says, "complaints are still increased from N. Hampshire of the most arbitrary nature that I have heard of," people being imprisoned without reason, and "he has ruined M<sup>r</sup> Mason by getting him to settle upon him

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<sup>440</sup> *Historical Papers* of C. W. Tuttle, p. 288. "Edward Randolph's third wife—to whom he was married in London in 1684—was Sarah Platt, the widow of Peter Platt. Her maiden name is supposed to have been Backhouse, for the following license from the vicar-general of the Archbishop of Canterbury is preserved: '1671-2 Jany. 31. Peter Platt of Swallowfield, Berks, Gent. Bachelor, aged about 30, and Sarah Backhouse of Aston, near Stafford, co. Stafford, Spinst<sup>r</sup>, aged about 22, at her own dispos<sup>l</sup>, to marry at St. Sepulchre's, London.' The register of St. Sepulchre's shows that the said parties were married in that church Feb. 1, 1671-2. The burial of Peter Platt is recorded in the register of St. Martin-in-the-Fields, as of Nov. 3, 1681. The license for the marriage of Edward Randolph and Mrs. Sarah Platt is as follows: '1684 Dec. 22. Edward Randolph of St. Margaret's, Westminster, Esq<sup>r</sup> widower, and Sarah Platt of St. Martin-in-the-Fields, widow, to marry at St. Martin-in-the-Fields; and in the register of the last named parish occurs this entry: '166 Dec. 24. Edward Randolph of St. Margaret's, Westminster,

and Sarah Platt of this parish, by license from the Archbishop.' The Backhouses were also of Swallowfield, Berks; and Sarah may have been a daughter of Sir John Backhouse, Knight of the Bath, who died in 1649. She was related to the wife of Edward Hyde, the Earl of Clarendon."

<sup>441</sup> In his accounts appears the item: "1684 Nov<sup>r</sup> 5. Charges in my voyage to Holland £205.06."

<sup>442</sup> *Massachusetts Archives*, Vol. CVI. p. 351-8. The humble Petition of Edward Randolph to the Right Hon<sup>ble</sup> the Commissioners of his Ma<sup>ties</sup> Customes. Dec. 1684, *post*. Probably it was after his return from Holland that the "Proposals of James Hodson relative to the Coal Trade of England" in Randolph's handwriting was presented to the King. It was proposed that an export tax should be laid on Scotch coal, so as to prevent the Scotch from underselling the English, and also that foreign built and manned vessels should not be allowed in the domestic coal trade, for they failing with fewer hands, would drive the English vessels from the seas. *Massachusetts Archives*, Vol. LXI. p. 285 [1685], *post*.

150l a year to be paid out of the proffitts of his lands to support the Gom<sup>t</sup> upon which M<sup>r</sup> Mason has made over his province for yeares. You have heard of y<sup>e</sup> difference betwixt my L<sup>d</sup> Baltamore & M<sup>r</sup> Penn about Boundaryes: they have been for some tyme here & attended the Lords with their Councill: but yet no hearing. I have been told his Ma<sup>tie</sup> will revoke their patents & allow no more such independent Gom<sup>ts</sup>. Col. Talcott was made by Lord Baltamore Governor of the lands in dispute, who proceeded barbarously ag<sup>t</sup> the Quakers & threatened to roote out such Quaking scismaticks. Its thought his Ma<sup>tie</sup> will appoint a Gov<sup>r</sup> in Maryland in a little tyme. I could heartily wish I was as well recommended theither as I am to Boston. I have nothing to object but the ill aire. I intreat you to pardon me for not paying my duty so often as I ought by giving of an account of our N. Eng<sup>d</sup> proceedings to which you were pleased to lay y<sup>e</sup> foundation. M<sup>r</sup> Blathwayt is of opinion that the Road Islanders will surrendere their charter upon his Ma<sup>ties</sup> letter to them. Some tyme since I putt in the names of very honest & the best men of estates in Boston Colony to be of y<sup>e</sup> Councill. I heare they are recommended to the Gov<sup>r</sup> [Kirke] who may either admitt or refuse them according to his own pleasure. I know none of them will come to heare divine service, which may be a sufficient ground to sett them aside.<sup>”</sup><sup>443</sup>

The

<sup>443</sup> *Collection of Sir Thomas Phil-lips.* Letter of Randolph to Sir Robert Southwell, 29 January, 1684-5, *post.*

Governor Cranfield writes to the Committee, 6 January, 1684-5. “I ef-teeme it the greatest happines that ever

I had in my life that yo<sup>r</sup> Lordps have given me an opportunity to remove from these unreasonable people.” See *Transcripts of New Hampshire Documents* by J. S. Jennes.

The rumor having reached Boston that the charter was condemned and that Colonel Kirke was coming with a large force<sup>444</sup> led Governor Bradstreet to call a special meeting of the General Court.<sup>445</sup> An address was prepared to be delivered to the King, differing very little from those already sent, the 12th of March was appointed to be kept as a day of humiliation, and a letter sent to Mr. Humphreys, saying, "How far we are indebted to your selfe we know not till we heare from you: we would willingly discharge our debts while we have it [the means] especially to your selfe, to whom for your friendship as well as service we are deeply indebted."<sup>446</sup> While the colonists were waiting anxiously for further and authentic news Charles II. died,<sup>447</sup> and James II. was proclaimed King on February 6th.<sup>448</sup>

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<sup>444</sup> Fitz-John Winthrop writes from Connecticut to James Fitch, 28 January, 1684-5. "He [Captain Jenner] reports that the charter of the Mattachufetts was condemned the last terme in London; that one Coll. Kirke, who was Governor of Tangere, is coming there with 6 or 7 frigates & 5,000 men; Mr. Randolph to be secretary & register, & severall gent. there to be of the concill." See *Massachusetts Historical Society Collections, Fifth Series*, Vol. VIII. p. 300.

<sup>445</sup> *Massachusetts Records*, Vol. V. p. 465. 28<sup>th</sup> January 1684-5. For the address see *ibid.* p. 466; also *Massachusetts Archives*, Vol. CVI. p. 338, under date of January 31.

<sup>446</sup> *Massachusetts Archives*, Vol. CVI. p. 338. Letter to Robert Humphrey about condemnation of charter, 31 Jan. 1684-5; also *Massachusetts Records*, Vol. V. p. 468.

<sup>447</sup> *History of England*, by Macaulay. Vol. I. p. 336, ed. 1861, for an account

of the death of Charles II., and of his acknowledgment before death, that he belonged to the Roman Catholic Church. In *History of the English People*, by J. R. Green, ed. 1888, p. 664, is the following: "All the children of his mistresses fave Monmouth were gathered round the bed; and then the bishops moved him as he was the Lord's anointed and the father of his country to bleſſ them alſo and all that were there preſent, and in them the general body of his ſubjects. Whereupon, the room being full, all fell down upon their knees and he raifed himſelf in his bed and very ſolemnly bleſſed them all."

<sup>448</sup> *Massachusetts Archives*, Vol. CVI. p. 340, for the printed proclamation of the accession of James II. "London. Printed by the affigns of John Bill deceaſ'd, and by Henry Hills and Thomas Newcomb, Printers to the King's moſt Excellent Maſteſty. 1684."

He was proclaimed in Boston on April

A short time before that event Randolph had written to Dudley: "I question not but you will have reports, as if a great fleet of ships, with regements of horse and foot, are coming against you, but I know of no such thing, only I believe a frigott or two will attend the governor. I remember what you advise, that the government be, in the first place, transposed and committed to the care of fitting persons upon the place to prepare and accommodate affrs against the arrival of the governor. I am not wanting to press for liberty of conscience and confirmation of all your rights and possessions, and have nominated according to what was agreed betwixt you and myselfe, persons for the councill. The King has been pleased to make me secretary and register of New-England. I have nominated you for the King's receiver-generall of all New England, which will be a place of profit. I had other things to propose on your behalfe, but that must attend a further opportunitie. Its yet uncertain whether processe will iffue out against Rhode Island and Connecticut Collony to bring in both them before the governour come over, or to do that afterward, in case they refuse to submit to a general governour. Here was sent over a most scandilous paper, preached, as  
tis

April 20th, see *Diary of Samuel Sewall*. "The King was proclaimed; 8 companies, the Troop, and several Gentlemen on horseback assiting; three Volleys and then Canon fired. Mr. Blathwayt writes to Simon Bradstreet Esq. superscribed for his Majesties Service, advising that 'twould be best for us early to doe it; and our charter being vacated in Law and no Govern-

ment settled here, was the reason we were not wrtit to." The proclamation was made in High Street, by Edward Rawfon, Secretary, who was on horseback. See *Massachusetts Records*, Vol. V. p. 473. The proclamation confirmed all officers, civil and military, in their positions until his Majestys pleasure be further known.

tis said, by Mr. Moody and Mr. Mather; the Duke of Yorke hath a copy of it, and others have coppies also; twill doe your country great prejudice and put jealousies into the minde of the councel here, as if the collony would not abide by the judgment against their charter, but stand up to defend their liberties. My busines has been and shall be to ward off as much as I can."<sup>449</sup> In his efforts to prevent the sending of Colonel Kirke to New England Randolph appealed very strongly to the Bishop of St. Asaph. "I hope when his Majesty is made sensible that there is more need of a prudent man to reconcile then of a hott, heady passionate Soldier to force; that the Gent<sup>n</sup> under present thoughts may be designed for a Service more proper for his qualifications. Its great pitty & lookes like injustice that a great country of good subjects should not have some tyme of tryall before they are all at once condemned to the passion & avarice of an unreasonable man, besides 'twill above all greatly reflect upon our church to have men of ill principles & debauched lives appeare as the promoters of that religion, they so much dishonour in their conversation. Should a Gov<sup>r</sup> go over who will tread in M<sup>r</sup> Cranfield's steps or do worse things if possible, It will cool the inclinations of good men and make them take the first occasion to free themselves. I am well assured that they will easily upon Grant of a Generall Pardon, liberty of Conscience & Confirmation of Propertyes be ready to subscribe to any condition his Majesty shall bee pleased to propose and a prudent sober

<sup>449</sup> *Hutchinson's Collection of Papers*, ter of Edward Randolph to Joseph Prince Society, Vol. II. p. 283. Let- Dudley, 9 January, 1684-5, post.

sober Gent<sup>n</sup> sent their Gov<sup>r</sup> will be very acceptable to the people, which is the only way to preserve them from Ruine. 'Tis the interest of the Crowne to keep up those inhabitants after they have submitted to his Ma<sup>ties</sup> regulation, for they are a Great body of people, sober & industrious & in tyme of Warr able to drive the french out of all their American dominions and be a Good defence & releife to all his Majesties forain Plantations. The present state of that country is in most circumstances very like that of England at the tyme of his late Majesties happy restauration: and I can confidently aver, That the most & best part of the Inhabitants groaning under above 30 years oppression will as much rejoice upon y<sup>e</sup> hopes of liberty as wee did here. Some few zealous persons, by the artifice of 5 or 6 of their independent ministers, lately gott the sole management of their Government, who are like our late Sequestrators<sup>450</sup> in zeale & ignorance."<sup>451</sup>

While awaiting further orders Randolph, having made a representation to the Committee that there was no impartial tribunal in New England to try caufes between individuals and the colonies, was ordered "to prepare a paper containing all such particulars upon which a Quo Warranto may bee grounded against their Charters."<sup>452</sup> This was evidently

aimed

<sup>450</sup> Alluding to the fines and impositions placed on the estates of royalists by the Parliamentary party.

<sup>451</sup> *New England Historical and Genealogical Register*, Vol. XXXVII. p. 268. Letter of Edward Randolph to Dr. Lloyd, Bishop of St. Asaph. March, 1685, post. In his letter to Sir Robert Southwell of 16 February, Randolph gives much interesting news about the royal court, speaking among other

things of King James' attendance at the Queen's chapel, "y<sup>e</sup> Princesse Ann is conftant at y<sup>e</sup> chappell & yesterday all the noblemen were there early & heard y<sup>e</sup> sermon." See *Collection of Sir Thomas Phillips*, 16 February, 1684-5, post. At the first meeting of the Council James II. had promised to maintain the Church of England.

<sup>452</sup> *State Papers, Colonial, Entry Book*

aimed at Connecticut and Rhode Island, for New Hampshire was already a royal province, and Plymouth had no charter. There was no fear felt, however, of resistance being offered, Massachusetts having fallen, and the other colonies having always shown themselves submissive. In the mean time events had taken place in England — the defeat of the Earl of Argyle in Scotland and the Duke of Monmouth in the west of England — which made the Tory party stronger than ever.<sup>453</sup> “Never, not even under the tyranny of Laud, had the condition of the Puritans been so deplorable as at that time. Never had spies been so actively employed in detecting congregations. Never had magistrates, grand jurors, rectors, and church wardens been so much on the alert.”<sup>454</sup>

On

*Book* 108, page 140. Court of Judicature wanted in New England. 5 May 1685, *post*. On the 2d of May was written by Mr. Humphreys the letter about the loss of the Charter already alluded to, enclosing his bill. All the details of the expenses are to be found in the *Massachusetts Archives*, Vol. CVI. p. 346, including coach hire, posting from the country to London, tavern fee, fees to the eminent lawyers, Sir Francis Pemberton, Mr. Pollexfen, Mr. Holt, Mr. Rawlinson, and others, copies of legal papers etc., amounting to £104. 16. 08. Having already received in two instalments £127. 17. 04 I have “resting in my hands towards my extraordinary Paines and attendance both on the matter of Law, and attempting to procure a pardon £23. 00. 08.” The last item is dated Feb. 5, “paid Mr. Penngry for a copy of the Judgment and fee £5. 10. 0.”

<sup>453</sup> For the trial of Oates see letter of

Randolph to Sir Robert Southwell, 9 May, 1685, in *Collection of Sir Thomas Phillips, post*.

James II. wrote on 26 June to the Governor of New Plymouth, giving an account of the rebellion of the late Earl of Argyle in the West Highlands, and also an account of the Duke of Monmouth’s landing, “who is being pursued by troops.” See *Massachusetts Historical Society Collections, Fourth Series*, Vol. V. p. 139.

<sup>454</sup> “This may be fixed upon as the moment at which the enthusiasm of the Tory party reached the zenith. Even the capital was profoundly obsequious. The lawyers and traders vied with each other in servility. But nowhere was the spirit of loyalty stronger than in the two Universities. The legislature of the northern kingdom was as obsequious as those provincial estates which Lewis the Fourteenth still suffered to play at some of their ancient functions in

On the first of July arrived in Boston a copy of the judgment, which was delivered the following day to Secretary Rawson.<sup>455</sup> Although the notice was not official, the news of the condemnation of the charter led the magistrates to convene the elders to ask their advice in so grave a juncture.<sup>456</sup> Accordingly the General Court met on the 21st of July and held a conference with the ministers.<sup>457</sup> There was much dissension, some favoring immediate submission, and others, the majority, holding the opinion that the "Government ought not to give way to another till the Generall Court had seen and judged of the Comision" of the new Governor.<sup>458</sup> "There were all the symptoms

of

in Britanny and Burgundy. None but an Episcopalian could sit in the Scottish Parliament, and in Scotland an Episcopalian was always a Tory. In general the Puritan spirit seemed to be more effectually cowed at this conjuncture than at any moment before or since. The Tory pamphleteers boasted that not one fanatic dared to move tongue or pen in defence of his religious opinions." See *History of England*, by T. B. Macaulay, Vol. I. p. 365, ed. 1861.

<sup>455</sup> *Diary of Samuel Sewall*, "1685 July 1. Commencement day. Peter Butler comes in from London, brings news of the King's coronation, a copy of the judgment about 145 pages cost 5<sup>lb</sup>. 10." "July 2. Conference at his Honours; were unanimous as to what discoursed relating to our Circumstances, the charter being condemned."

<sup>456</sup> *Massachusetts Records*, Vol. V. p. 492. Order to convene the Elders, July 10, "that the reūnd elders of the feveral tounes be desired to meet & confer w<sup>th</sup> this Court in council, the 21 instant, at eight of the clock in the morning."

<sup>457</sup> *Ibid.*, Vol. V. p. 494.

<sup>458</sup> *Diary of Samuel Sewall*, 1685, Tuesday, July 21. "This day about 31 ministers meet. Mr. Higginson Prayes excellently: Governor gives the Question. Dine all together at Monk's [Blue Anchor Tavern]. After dinner about 3 or 4 o'clock, they give their answere. The Meeting has been uncomfortable, and I doubt will breed great Animosities. Friday July 24. Very sharp debates about submission &c. upon a Govenour's arrival, occasioned by a vote from the Deputies to the purpose that the Court be adjourned till 3<sup>d</sup> Wednesday in August except some demand of the Government, and no answer to be given till the convening of the General Court. Addres [to the King] is past but several did not vote of which self one." The addres is found in *Massachusetts Archives*, Vol. CVI. p. 359; also in *Massachusetts Records*, Vol. V. p. 495. It was sent back by Mr. Humphreys.

For the "Certificate as to the true opinion of the Elders as to the Surrender

of an expiring constitution. Little business was done at the court."<sup>459</sup>

Having prepared his articles against Rhode Island and Connecticut, Randolph presented them to the Committee, where they were read July 15th: "And to the intent no time may be lost in prosecuting those Articles to Effect which will otherwise much hinder the settlement of New England: It's humbly prayed that writts of Quo warranto may be forthwith issued out against the Govern<sup>rs</sup> & Companyes of those Colonys, That their Charters being vacated they alsoe may thereby be United under His maj<sup>ties</sup> Lawes and Government."<sup>460</sup> The misdemeanors charged against those colonies were similar to those charged against Massachusetts.<sup>461</sup> No time was lost. Two days later the Privy Council

der of the Government to a governour appointed by the Crown" and the "Certificate of Diffent" see *Massachusetts Archives*, Vol. CCXLII. p. 328, printed in *Massachusetts Historical Society Proceedings*, June, 1871. The certificate says that 27 ministers were present.

On July 24 the General Court ordered that "besides the balance of 23<sup>l</sup> resting in his hands, Mr. Humphreys should also receive five pounds more to buy him a good beaver hatt," and on the 25<sup>th</sup> "for your great care & trouble from time to time in our busines wee have ordered our Treasurer to make payment to you of Eighty Pounds by y<sup>e</sup> hands of Mr. John Ives, which wee pray yow to accept of as a small compensation from a poor people." *Massachusetts Records*, Vol. V. p. 496, and *Massachusetts Archives*, Vol. CVI. p. 350. Mr. Humphreys' receipt for thirty pounds dated 25 September, 1685,

is in *Massachusetts Archives*, Vol. CVI. p. 367.

<sup>459</sup> *History of Massachusetts Bay*, by T. Hutchinson, 2d ed., Vol. I. p. 340. In May the Council had refused to give an answer to Mr. Thacher, the deputy collector, as to the question whether a vessel from a foreign port in case of entry not being made, was liable to seizure according to the 15<sup>th</sup> of the King, or laws of the colony. See *Massachusetts Archives*, Vol. LXI. p. 276. "Question as to entry of vessels from foreign ports." 21 May, 1685.

<sup>460</sup> *State Papers, Colonial, Bundle 54* (245). Randolph's petition against Rhode Island & Connecticut, 15 July, 1685, *post*. Printed in *Rhode Island Records*, Vol. III. p. 175.

<sup>461</sup> *State Papers, Colonial, Entry Book 108*, p. 163. Randolph's representation read, 15 July, 1685, *post*.

Council ordered that writs be brought against Rhode Island and Connecticut, and for the Attorney General "to enter y<sup>e</sup> like Writs of Quo Warranto against y<sup>e</sup> respective Proprietors of East and West Jersey, and of Delaware, if he shall find cause, it being of very great & growing prejudice to yo<sup>r</sup> Ma<sup>ts</sup> affaires in y<sup>e</sup> Planta<sup>con</sup> & to yo<sup>r</sup> Customs here, that such independent Governments be kept up & maintained w<sup>th</sup>out a nearer & more Imediate Dependence on yo<sup>r</sup> Ma<sup>ty</sup>."<sup>462</sup> These writs were delivered to Mr. Randolph to be served by him. He writes, July 30th, "I have 5 Quo Warr<sup>tos</sup> by me; against Connecticut, Rhode Island, the two East & West New Jarseys & Delaware. I am in great expectation of orders to go to New Eng<sup>d</sup> in a little tyme: with a commission to settle a temporary Gom<sup>t</sup> there; & also with a new commission for my office of collector in regard some ill persons have broak open the office & taken away my former Commission as ye Gov<sup>r</sup> of Boston writes me. There have been 2 orders of Councill successively directed for a Quo Warr<sup>to</sup> against the Gom<sup>t</sup> of Lord Baltimore. The project

<sup>462</sup> *New York Colonial Documents*, Vol. III. p. 362, *post*. Also *Rhode Island Colonial Records*, Vol. III. p. 176. Also *Colonial Records of Connecticut*, Vol. III. p. 349.

Randolph adds Maryland and Pennsylvania. See his *Short Narrative* under date of 15 July, 1685, *post*. "The Attorney Gen<sup>ll</sup> ordered to issue out writs of Quo Warranto ag<sup>t</sup> y<sup>e</sup> Collony of Rhode Island, Conncticutt &c. and against y<sup>e</sup> several Proprietors of Maryland, Pensilvania and East and West Jersey." On the 17<sup>th</sup> Delaware was also named. See *Maryland Archives*,

Vol. V. p. 445. On 21 April, 1686, a request was made that the quo warrantos should be prosecuted to effect. See *ibid.*, Vol. V. p. 456. Pennsylvania was, however, not named. On April 30, 1687, it was again moved that the quo warrantos should be carried out against Maryland, Connecticut, Rhode Island, Providence Plantation, East and West Jersey, and Delaware. See *ibid.*, Vol. V. p. 541. The King's pleasure was asked 18 May, 1687. On May 28 the King gave the required order at Hampton Court.

ject of y<sup>e</sup> New Duty upon Tobacco goes on but heavily as yet. It is fallen 1<sup>d</sup>  $\frac{1}{2}$  in y<sup>e</sup> pound in Holland."<sup>463</sup>

At this time the official connection of Randolph with New England came very near being broken off. There was a prospect of his being appointed to the Governorship of Bermuda. Through his friend Sir Robert Southwell, to whom he owed much, and whose advice he prized, he wished to find out how Lord Clarendon, then Lord Privy Seal, whom he calls "my noble patron & great friend," and with whom he was now connected by marriage, viewed the project. He hoped also to interest the Dukes of Ormond and Beaufort, "to whom my services to the crown are well known." He wrote hesitatingly, however, about the place, for, "I am heartily so well inclined to New Eng<sup>d</sup> that tho I have for 10 yeares tyme been mortified by their ill treatment & have now 2 writts of Quo Warranto ag<sup>t</sup> y<sup>e</sup> Colonyes of Connecticutt & Road Island, which makes me obnoxious to the whole Plantation yett after all I am inclined to believe that I may live very happily there, for they will in tyme be convinced of their folly in contending with their prince, unlesse they be condemned to that misery to have Coll. Kerk to be their Gov<sup>r</sup> then tho I go under the gard of his Maj<sup>ties</sup> favour & Protection assured me in his instructions yett heel' break thro all, and the harder he presses the people, the heavier must be my taske & the greater my perplexities so that I must expect betwixt Gov<sup>r</sup> & people to be ground to powder. Since the great carnage he has made in

y<sup>e</sup>

<sup>463</sup> *Collection of Sir Thomas Phillips.* Letter of Randolph to Sir Robert Southwell, 30 July, 1685, post.

y<sup>e</sup> West he will be much more arbitrary & oppressing, and I had rather have 100<sup>l</sup> a yeare in New Eng<sup>d</sup> under a quiet prudent Gov<sup>r</sup> then 500<sup>l</sup> if he were upon y<sup>e</sup> place. The troubles I mett there in 1681, broak my wives heart. I prefer the quiett & satisfaction of my family before money which I have no hopes of expecting if he goes Governour, so that upon such termes N. Eng<sup>d</sup> will be no place for mee. On the other hand should I bring the people of Bermuda, who have been mutinous, to a quiet temper & the place come to be any way by their trade to be confiderable as N. York was to S<sup>r</sup> Edmund Andros, how soon was he upon unlucky mistakes unkindly laid aside, so that I am now after 10 yeares tossing about the world under such uncertaintyes that I can find no releife like application to yourselfe; from whom I have from y<sup>e</sup> first of my undertakings received safe & prosperous directions. Bermodos at first sight seemes full of difficultyes, but nothing like living under a debauched Atheisticall person who will doe his Ma<sup>tie</sup> in one yeare more disservice then 20 yeares indulgence can repaire. This I speake from y<sup>e</sup> experience I have had of the people who will not be forced & since the French King at this juncture is bidding faire for the Spanish West Indies, he will not be wanting to engage the Indians on y<sup>e</sup> backside of New Eng<sup>d</sup> to make another incursion, & then what by the opposition of an incroaching Gov<sup>r</sup> on y<sup>e</sup> one hand & false neighbours on the other, that hopefull & most necessary plantation to the Crown will in a few yeares be brought to utter ruine."<sup>464</sup>

Having

<sup>464</sup> Collection of Sir Thomas Phil-lipps. Letter of Edward Randolph to *post*. In a letter to Sir Robert dated

Sir Robert Southwell, 1 August, 1685,

Having experienced the ill consequences of delay in the case of Massachusetts, Randolph desired to cross the Atlantic as soon as possible, so as to make a return of the service of the writs against Rhode Island and Connecticut within the legal time. He, accordingly, proposed on August 3 that he should sail in a vessel that was to leave directly for New England within three weeks.<sup>465</sup> The Committee approved of his proposal, "and M<sup>r</sup> Randolph having offered to goe in person and serve them upon the respective Corporations in New England, their Lo<sup>ps</sup> think fitt That His Ma<sup>ts</sup> directions bee received in this matter."<sup>466</sup>

Being determined to prevent, if possible, Governor Kirke from going to Massachusetts, Randolph saw Lord Clarendon upon the subject. After the interview, he writes, "the Lord Privy Seal has assured me that I shall be taken care of wheither y<sup>e</sup> Gov<sup>r</sup> goes or not & wee want onely a Committee to give life to y<sup>e</sup> affaire. They [the colonists] are affrighted at their N. Gov<sup>r</sup> & should he passe the seas into forain parts whither then will they remove. I hope all will end well. M<sup>r</sup> Pipps [Pepys] has a report from y<sup>e</sup> Comm<sup>rs</sup> of y<sup>e</sup> Navye who exceedingly like my proposall & desire 40 trees to be provided in N. Eng<sup>d</sup> for a present supply.<sup>467</sup> I heare little of Coll. Kirk & many are of opinion that he will not go. I was yesterday in close waite upon L<sup>d</sup> P. Sea<sup>le</sup> at Winsor

in

3 August, he speaks of a report that "Ferguson is gott over to Holland," post.

<sup>465</sup> *Rhode Island Colonial Records*, Vol. III. p. 177. Mr. Randolph's proposals about Quo Warranto, 3 August, 1685, post. Also in *Colonial Records of Connecticut*, Vol. III. p. 351.

<sup>466</sup> *State Papers, Colonial, Entry Book* 108, p. 173. Randolph's Proposals concerning 5 Writs of Quo Warranto. 3 August, 1685, post.

<sup>467</sup> *Collection of Sir Thomas Philipps*. Letter of Edward Randolph to Sir Robert Southwell, 8 August, 1685, post.

in hopes to have my papers about a temporary Gom<sup>t</sup> read & ordred, but I feare his Lord<sup>s</sup>p forgott my paper, as his Maj<sup>ties</sup> tyme was taken up with examining the prisoners from the West.<sup>468</sup> His paper, however, was not forgotten, and its contents was approved of by the Privy Council. It recited the fact that more than nine months had elapsed since the charter was condemned and no government had yet been settled by royal authority. Consequently, the Puritan faction retaining power, irregular trade was carried on to the detriment of the King's revenues. "It is therefore humbly proposed that his Majesty would graciously please forthwith to order a temporary government, by his commision to the best disposed persons upon the place untill such time as his Majesty's Governor Generall shall be dispatched from hence to take upon him the government of all the Collonys in New England. The Quo Warrantos against the Collonys of Connecticut and Rhode Island are returnable the next term; now to the intent his Majesty's prosecutions against those Collonys be not by the difficulty of a winter's voyage rendered ineffectual, It is necessary (as I humbly conceive) that some person be dispatched thither with orders to that purpose, upon the first ship which fails from hence to Boston; and if his Majesty please to commit that service to my charge, with the conveyance of a Commision to erect a temporary government there, I question

not

<sup>468</sup> Collection of Sir Thomas Phil-lipps. Letter of Edward Randolph to Sir Robert Southwell, 17 August, 1685, post.

Under date of August 15th Randolph says in his *Short Narrative*: "I was

directed to serve ye Quo Warranto upon my L<sup>d</sup> Baltimore, Proprietor of Maryland, and ye Proprietors of East and West Jarsey, and to serve ye two writs upon ye Colonies of R. Island and Conngetticut, all w<sup>ch</sup> I dueley pformed."

not but to give his Majesty a good account of that affair; and also the two Collonys against which Quo Warrantos are issued, and so by that means bring the several Collonys in New England to a united and nearer dependance upon the Crown.”<sup>469</sup>

Feeling sure that no opposition would arise from Rhode Island and Connecticut, and that all the Colonies of New England would soon be united under a Governor General, Randolph begged “that in Consideration of his past services his Ma<sup>tie</sup> would graciously please to grant him the Office of Secretary & Register of those places which are or shall be brought under his Ma<sup>ties</sup> Govern<sup>r</sup> Gen<sup>ll</sup> of New Eng<sup>d</sup>. ”<sup>470</sup> “Whereupon their Lo<sup>ps</sup> agree to consider further of this Petition when the Government of all the Colonys of New England shall be setled.”<sup>471</sup> His perseverance was crowned with success, and it was decided to erect a temporary government in Massachusetts. “I have gaind y<sup>e</sup> point & am carrying over with me a Commission for a Temporary Gom<sup>t</sup>. I hope it will succeed. I am now press'd with great zeal by y<sup>e</sup> Comm<sup>rs</sup> of y<sup>e</sup> Customs to goe to New England with large powers from them.”<sup>472</sup> “M<sup>r</sup> Blaithwayt is hastning my dispatches for N. Eng<sup>d</sup> and the proposalls about supplying his Ma<sup>tie</sup> with mafts will take effect: for M<sup>r</sup> Sec<sup>ry</sup> Pipps [Pepys] has directions to consult & conclude the matter with y<sup>e</sup> Comm<sup>rs</sup>

of

<sup>469</sup> *Rhode Island Colonial Records*, Vol. III. p. 178. Mr. Randolph's Proposals about Quo Warranto, 18 August, 1685, post. Also *Colonial Records of Connecticut*, Vol. III. p. 352.

<sup>470</sup> *State Papers, Colonial, Bundle 54* (358). Randolph's Petition to be Secretary of N. Eng<sup>d</sup>. 26 August, 1685, post.

<sup>471</sup> *State Papers, Colonial, Entry Book 108*, p. 186. Petitions of Randolph & Gove. 26 August, 1685, post.

<sup>472</sup> *Collection of Sir Thomas Philpotts*. Letter of Edward Randolph to Sir Robert Southwell, 29 August, 1685, post.

of the Navye; as yet is no tidings of y<sup>e</sup> Earl of Macklesfield, I saw his son in close custody in y<sup>e</sup> Tower at the tyme I called upon Gove, M<sup>r</sup> Cranfeilds traytor, whom M<sup>r</sup> Blathwayt has gott sett at liberty: all is in great peace & quiett with us, yet the Virginia merc<sup>hts</sup> are under dissatisfaction about their Tobacco." <sup>473</sup> His anxiety to cross the Atlantic before the winter storms should set in, and to serve the writs within the legal time, led Randolph to send a memorial to the Committee "humbly intreating that the Commission prepared by M<sup>r</sup> Blathwayt may be read before y<sup>r</sup> Lords<sup>ps</sup> enter upon the matters in difference betwixt y<sup>e</sup> L<sup>d</sup> Baltamore & M<sup>r</sup> Penn, and that y<sup>e</sup> Exemplification of y<sup>e</sup> Judgm<sup>t</sup> ag<sup>t</sup> the Boston Charter be laid before y<sup>r</sup> Lords<sup>ps</sup> at y<sup>e</sup> next Committee, least I be forced to stay yet longer for it. A great part of the tyme limited for Serving y<sup>e</sup> Quo Warrantoe's upon y<sup>e</sup> Colonyes of Connecticutt & Road Island is allready lap'd & Its necessary for his Mat<sup>es</sup> Service that I bee forthwith dispatch'd for New Eng<sup>d</sup>." In the memorial he enclosed a list of names of those whom he thought suitable for the position of members of the temporary Council, including Massachussetts, New Hampshire, Maine, and the King's Province, and adding the number of Assembly men to be allotted to the different towns.<sup>474</sup> His list was used by the Committee. Among those suggested was Robert Mason, who received the appointment. "M<sup>r</sup> Mason is nominated one of our Councill :

<sup>473</sup> *Collection of Sir Thomas Phillips.* Letter of Edward Randolph to Sir Robert Southwell, 1 September, 1685, post.

<sup>474</sup> *State Papers, Colonial, Bundle 54* (359). Memorial of Mr. Randolph

with Names of Men fit to be Councillors, 2 September, 1685, post. See also *Collection of Sir Thomas Phillips.* Letter of Randolph to Sir Robert Southwell, 7 September, 1685, post.

Council: 'twill be a great favour to him and promote the generall design of their quiett settlement, if you would please by your letter before I go, to advise him to moderation, for I feare when he comes to be mated with some of his former antagonists twill transport his passion & putt all into a ferment. I lately laid before the Committee a paper informing that I was ready to go: But shewed the impossibility of my securing the trade of that countrey extending above 100 leagues upon y<sup>e</sup> sea: & that unless there be a small frigott to plye upon that Coast their shippes will now more than ever ship off Tobacco & Sugars because of the late impositions in Eng<sup>d</sup>. I find them well inclined & prepare that matter with the necessfity of having a Boat & men alwayes to attend y<sup>e</sup> King's service, & this to be presented to my L<sup>d</sup> Treasurer. No newes who shall be L<sup>d</sup> Keeper: the vogue runns for y<sup>e</sup> L<sup>d</sup> Jeffreys: this will very much delay my dispatches for N. Eng<sup>d</sup> & bring me upon y<sup>e</sup> Coast in the extremity of their stormy season, which is very hazardous upon y<sup>e</sup> beginning of their winter. I heartily thank you for taking notice of my affaires to his Grace y<sup>e</sup> D. of Beaufort."<sup>475</sup>

It was not until the 21st of September that Randolph's commission as Secretary and sole Register for the Territory or Dominion of New England was issued, with all the privileges enjoyed by the Secretary and Register of the Island of Jamaica or of any of the King's Plantations in America.<sup>476</sup>

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<sup>475</sup> *Collection of Sir Thomas Phil-lipps.* Edward Randolph to Sir Robert Southwell, 10 September, 1685, *post.* CXXVI. p. 95. Commission to Edward Randolph, printed in *Massachusetts Historical Society Collections, Third Series*, Vol. VII. p. 161, *post.*

<sup>476</sup> *Massachusetts Archives,* Vol.

A few days later, on the 27th, was signed the order for the Government of New England, appointing Joseph Dudley President, and a certain number of Councillors, including Edward Randolph, who before entering upon their duties were to take the oath of allegiance. To them was granted the power to act as a Court of Justice, an appeal lying to the King in Council in cases involving a sum not less than three hundred pounds, to erect subordinate courts, to appoint civil and military officers, to discipline the militia, to continue the taxes, "and for the greater ease and satisfaction of Our said Loving Subjects in matter of Religion, Wee do hereby will require and Command that liberty of Conscience shall be allowed unto all persons, and that such especially as shall be Conformable to the Rights [rites] of the Church of England shall be particularly Countenanced and encouraged."<sup>477</sup>

The business of New England being thus far advanced Randolph wrote on the 3d of October to Sir Robert Southwell that he expected to fail in about ten days; that he had received a commission<sup>478</sup> to be "Surveyor of all the King's Woods

<sup>477</sup> *State Papers, Colonial, Entry Book 61*, p. 252. His Mat<sup>ys</sup> Commission for the Governm<sup>c</sup> of New England. 27 September, 1685, post. In the *Massachusetts Historical Society Collections, First Series*, Vol. V. p. 244, the date is given as October 8th. "In witness whereof, we have caused these our letters to be made patent. Witness Ourselv at Westminster the 8<sup>th</sup> day of October in the first year of our reign."

<sup>478</sup> *State Papers, Board of Trade, New England*, Vol. V. p. 437. Docket of Mr Randolph's Commission, October, 1685, post.

In the *Publications of the Camden*

*Society*, 1851, under the head of moneys received and paid for secret services of Charles II. and James II. from 30th March, 1679, to 25th December, 1688, are the following items: "December 26th. 1685. To Wendover Lowndes, for preparing a patent to constitute Edward Randolph Survey<sup>r</sup> of the Woods in New England 39*l.* 9*s.* 2*d.*

To John Lloyd, for so much money by him laid out and expended in passing l'res patents to constitute Edw<sup>d</sup> Randolph collector, surveyor, and searcher of the customes in New England 51*l.* 18*s.* 0*d.*"

Woods & Tymber in Maine within 10 miles of a navigable river with 40 or 50*l* a yeare to defray the Charge of surveying & preserving thofe woods from spoile, which will be all spent in that service; for 'twill be chargeable work to travel by sea & land above 120 miles upon the coast of that Province; and now as to your supplyes of the production of our Country, I shall take care to informe my selfe what is growing there that hath not yett been sent to Eng<sup>d</sup>. Last weeke M<sup>r</sup> Blathwayt was propofing that M<sup>r</sup> Mason shoule quitt his pretensions in N. Eng<sup>d</sup> & lay all at his Ma<sup>tie</sup> ffeet upon his Ma<sup>tie</sup> making him Gov<sup>r</sup> of Bermodos & allowing to him & his heires 2 or 300*l* yearly for ever to be paid out of y<sup>e</sup> quitt rents which will in a fhort tyme arife to his Ma<sup>tie</sup> upon this settlem<sup>t</sup>, for the people will rather pay to his Ma<sup>tie</sup> 6<sup>d</sup> an acre than one farthing to M<sup>r</sup> Mason, & now since Charters are at fo low an ebb I feare his Grants will hardly hold out upon a tryall at y<sup>e</sup> Councill Board, but I know not what his conceptions may bee of such propofalls. I believe this day at Winsor I may have a further discourse with M<sup>r</sup> Blathwayt of this matter. I feare he will be in a perpetuall contest about his lands in N. Eng<sup>d</sup>, which I heartily wish he had fetled to his satisfaction. Nothing now as I can think of can encourage Coll. Kerk to expect the Gom<sup>t</sup> of N. Eng<sup>d</sup> but the promise of his late Ma<sup>tie</sup> which how farr his present Ma<sup>tie</sup> will oblige himselfe to take notice of is yet questionable. I heare the L<sup>d</sup> Chancellour is now well satisfied that the reports of his manage in y<sup>e</sup> Gom<sup>t</sup> Taunton are more then flying rumors: his Ma<sup>tie</sup> will be in town Tuesday next. I then go to the Downes, aboard y<sup>e</sup> Rose frigott to gett all things in readiness for my voyage & then return to receive his

his Ma<sup>ties</sup> commands.”<sup>479</sup> After visiting the frigate and meeting the commander, Captain George, whom he describes as a “civill perfon,” he sent his goods from London to be shipped, so as to be ready to start at once,<sup>480</sup> and requested that a certain number of flags should be sent to him from the Ordnance Office to be used for the Castle and forts of New England.<sup>481</sup> “I am now preparing for y<sup>e</sup> Downes as fast as I can, the Capt. being impatient of a longer stay: tomorrow I have orders for 500<sup>l</sup> from y<sup>e</sup> Navy board & by Monday all my Commissions publick & private will be compleated. I shall lett M<sup>r</sup> Bulkley & M<sup>r</sup> Stoughton know you are pleased to continue your respects to them & desire the settlement of their distract<sup>d</sup> Countrey upon a good foundation. I have found extraordinary civilityes from M<sup>r</sup> Se<sup>cry</sup> Pepys & from S<sup>r</sup> Richard Haddock beyond what I could expect. I have spent too much tyme in discussing my busines: Its now high tyme to be upon action in which God willing I shall use all care & circumspection to acquitt myselfe to his Ma<sup>tie</sup> who has been so bountifull to me beyond my proposalls: formerly after I had pas’d the Dangers of the feas I expected a greater storm a shoar then I mett with in my voyage & never failed of my expectation: but now matters turning so quick upon their freinds in England I shall finde them all in our N. Governm<sup>t</sup> of another minde & when they

<sup>479</sup> Collection of Sir Thomas Phil-lipps. Letter of Edward Randolph to Sir Robert Southwell, 3 October, 1685, post.

<sup>480</sup> Ibid. Letter of Edward Randolph to Sir Robert Southwell, 14 October, 1685, post.

*Diary of Samuel Sewall.* “Oct<sup>t</sup> 13.

Is a rumor in Town of Joll’s being cast away on the Cape and all the Passengers Lost but five Persons. Mr. Randolph drowned: but suppose all groundlefs.”

<sup>481</sup> State Papers, Colonial, Bundle 54 (367). Pet<sup>r</sup> of M<sup>r</sup> Randolph for fflaggs. 17 October, 1685, post.

they come to heare that Sheriffe Cornish was hanged & quartered in the heart of their Citty in Cheapfide upon a Gibbett against the Guild Hall they will be glad to be quiett even upon any tearmes: my busines shall be to gett all matters carried fairely for his Ma<sup>tie</sup> & the generall good of that country, who know not how to be kind to themselves.”<sup>482</sup>

The execution of Mr. Cornish, who died courageously, a highly respected citizen of London, arbitrarily sentenced, was well calculated to strike terror in the Whig party, and dispose the colonists to submission.<sup>483</sup> This was the time chosen to send a clergyman of the Church of England to Massachusets, and accordingly the Reverend Robert Ratcliffe was selected by the Lord Bishop of London, and recommended to the inhabitants by the Privy Council for “a kinde entertainment and futable maintenance.”<sup>484</sup> The preparations for Randolph’s departure moved slowly. On the

<sup>482</sup> *Collection of Sir Thomas Phillips.* Letter of Edward Randolph to Sir Robert Southwell, 23 October, 1685, *post.*

<sup>483</sup> For account of the execution see *History of England*, by T. B. Macaulay, ed. 1861, Vol. I. p. 502. “The government was peculiarly desirous to find victims among the great Whig merchants of the city. One of the most considerable among them was Henry Cornish. He had been an Alderman and Sheriff. It is not proved by trustworthy evidence that he ever approached the verge of treason. The bar and the bench united to browbeat the unfortunate Whig. In spite of the indignant murmurs of the public he suffered death within ten days after he had been arrested. That no circumstance of degradation might

be wanting, the gibbet was set up where King Street meets Cheapfide, in sight of the house, where he had long lived in general respect, of the Exchange where his credit had always stood high, and of the Guildhall where he had distinguished himself as a popular leader.”

*History of England*, by James Ralph, London, 1744, Vol. I. p. 902. “The very Heart of Faction was broke; and all the contest which now remained among the People, seemed to be, who should go farthest in aggrandizing the Prerogative, and in enslaving themselves and their Posterity.”

<sup>484</sup> *State Papers, Colonial, Entry Book 61*, p. 259. Mr R. Ratcliff a minister to be provided for. 30 October, 1685, *post.*

the 5th of November he received a certain number of documents to carry with him, among others a copy of the judgment, the commission for erecting a temporary government, and a deputation to himself from Mr. Blathwayt to be auditor of New England,<sup>485</sup> and a few days later, after he had reached Deal, ready to start, he was in receipt of a commission from the King appointing Joseph Dudley Vice Admiral,<sup>486</sup> and one to himself to be Post Master of New England, from the Earl of Rochester, Post Master General.<sup>487</sup>

Hoping

<sup>485</sup> *Ibid.*, 108, p. 223. List of Papers given to Randolph, going to New England. 5 Nov., 1685. Also *State Papers, Colonial, Bundle 54* (369). A list of papers received from the Plantation Office the 5th of November, by Mr. Randolph, *post*.

<sup>486</sup> *State Papers, Colonial, Entry Book 61*, p. 266. Commission for Mr. Joseph Dudley to be Vice Adm<sup>ll</sup> of the Colony of New England. 13 November, 1685.

<sup>487</sup> *Ibid.*, 61, p. 269. M Randolph to be post master of New England, 23 November, 1685, *post*.

In the *Massachusetts Archives*, Vol. LXXXVIII. p. 312, is the following: "Petition to appoint a postman. To the Hon<sup>ble</sup> Gen<sup>ll</sup> Court now fitting in Boston May 23<sup>d</sup> 1677. We whose names are underwritten hearing many complaints made by merchants and others (and severall of us being sensible) of the los<sup>s</sup> of letters, whereby merch<sup>ts</sup> especially with their friends and imployed in forraigne parts are greatly damnified: many times the Letters imported are throwne upon the Exch: so that who will may take them up; no person (without some satisfaction) being willing to trouble their houses therewith: so that Letters of

great moment are frequently lost. Our humble request therefore to this hono<sup>d</sup> Court is that they will please to depute some meet person to take in and convey Letters according to direction: and if this hono<sup>d</sup> Court please, we suppose L<sup>t</sup> Richard Way may be a fitt person for that service and y<sup>e</sup> Hono<sup>d</sup> Court sett y<sup>e</sup> prises on Letters, & state that affaire.

John fayerweather. Thos<sup>o</sup> Deane,  
Thomas Brattle, Richard Knight,  
Edward Shippen John Usher  
& others.

The deputies have granted the petitioners their desire herein & in Richard Ways roome doe make choice of Mr. John Hayward the scribner to be the man, the Honored magistrates consenting hereunto.

William Torrey, cleric.  
28<sup>th</sup> May 1677. Consented to by the Magis<sup>ts</sup>. Edw. Rawson, Secy."

The order is also found in the *Massachusetts Records*, Vol. V. p. 147, under date of June 1. As early as 5 November, 1639, is found the following in *Massachusetts Records*, Vol. I. p. 281. "For the preventing the miscarriage of letters; & it is ordered that notice bee given that Rich<sup>r</sup> Fairbanks his house in Boston is the place appointed for all letters which

Hoping to make some profit out of the New England post, Randolph decided to give what he should gain to the children of Mr. Mason: "what profit arises I design to M<sup>r</sup> Mafons

which are brought from beyond the feas, or are to be sent thither, are to bee brought unto; & hee is to take care that they bee delivered or sent according to their direction; & hee is allowed for every such letter a 1<sup>d</sup>, & must answer all miscarriages through his owne neglect in this kind; provided that no man shalbee compelled to bring his letters thither, except hee please."

In a letter to the editor, dated 26 May, 1894, Mr. C. W. Ernst, an authority on matters connected with the Post Office, writes, "The English Post Office, as we understand the term, was created in 1657 (*Scobell*, p. 511), not in 1660, as is frequently stated. The great and important Post-Office Act of 1660 (12 Carol. II. ch. 35) simply renewed the act of the Commonwealth. But the postal monopoly was not absolute. English America had vested rights, including that of creating a postal service of its own. Massachusetts had exercised this right in 1639 and later. Hayward was appointed by Massachusetts in 1677; in 1680 he was reappointed, holding the office till he died, Dec. 2, 1687. Randolph, by virtue of his commission, was free to do one of two things: either to establish a postal service in New England, or to seize Hayward's office. The first would have cost much money; the latter would have entitled Hayward to damages. Neither Randolph nor his master was prepared for either." He then speaks of Andrew Hamilton's postal laws passed in 1692-3. "His service from Piscataqua (Portsmouth, N. H.) to Boston, Saybrook, New Haven, New York, Amboy, Burlington, Philadelphia, Maryland, and Virginia began on

May 1, 1693. It was the first great step toward union and all implied." An act encouraging a Post Office was passed in Massachusetts, 1693, see *Province Laws of Massachusetts Bay*, Vol. I. p. 115. The rates of postage are as follows: from Boston to Rhode Island sixpence, to Connecticut ninepence, to New York twelvepence, to Jersey or Pennsylvania fifteen pence; to Maryland or Virginia two shillings; to Salem threepence, to Ipswich, Newbury, etc. fourpence; to Piscataqua, sixpence.

Lord Cornbury wrote from New York to the Lords of Trade, 30 of June, 1704: "The post that goes through this place goes Eastward as far as Boston but Westward he goes no farther than Philadelphia. The least I have known any Express take to go from hence to Virginia has been three weeks. I hope we shall find a way to remedy that shortly, for Coll. Nicholson and Coll. Seymour have wrote me word that they will be here in September, and I do then intend to propose to them the settling of a Post to go through to Virginia, by which I shall have opportunity to write your Lord<sup>PPS</sup>s by every Ship that fails from this Continent." See *Documents Colonial History of New York*, Vol. IV. p. 1113. In the *Colonial Records of Connecticut*, Vol. III. p. 393, John Perry, the post, is spoken of as going between Boston and Hartford once a month in 1687. It would seem from Sewall's letter to Thomas Glover, 15 July, 1686, in *Sewall's Letter Book*, that Randolph exercised his right as post-master. "Our letters that come by the [post?] do now pass through the hands of Councillour Randolph."

Mafons young children in England. I allow them now 20<sup>t</sup> a yeare till his better fortunes will afford them a larger supply. I shall not be wanting to do him & his all the service that lyes in my power. At my taking leave of y<sup>e</sup> E. of Clarendon I reminded his Lordsp<sup>r</sup> of M<sup>r</sup> Mason to be appointed to y<sup>e</sup> Gom<sup>t</sup> of Bermodos which was well approved of by his Lords<sup>p</sup> & I hope will be for his benefitt.<sup>488</sup> I would glad be furnished with some directions about M<sup>r</sup> Mason being very unwilling to think he should be obliged to come for England to be exposed to his mercileſs creditors."<sup>489</sup> Although he had hastened to Deal to be ready to sail as soon as possible, not even making a farewell visit upon Sir Robert Southwell, to whom he wrote, "I know your goodnes will pardon me: especially when I tell you that tho I sent my goods down about a fortnight ago, and hoped they had been all safe aboard y<sup>e</sup> Ship, yett now I find them scattered up and down, & my whole accommodation to make in the ship," the frigate did not start for ſome weeks. On the 23d of November he wrote from Deal, "M<sup>r</sup> Seſtry Pepys has advised Capt. George to gett all ready, ſo that in 3 or 4 dayes the wind presenting I hope wee may ſett forward for our dangerous voyage. I will ſend from New England ſuch plants as will grow at Kings Weston, and also ſome ſeeds and plants to the Duchefs of Beaufort.<sup>490</sup> Since you have been pleased to give me a hint of a happy understanding which

<sup>488</sup> Collection of Sir Thomas Phil-lipps. Letter of Edward Randolph to Sir Robert Southwell. 10 November, 1685, poſt.

<sup>489</sup> Ibid. Letter of Edward Ran-

dolph to Sir Robert Southwell, 27 No- vember, 1685, poſt.

<sup>490</sup> Ibid. Letter of Edward Randolph to Sir Robert Southwell, 23 November, 1685, poſt.

which may be the produce of this prorogation, I go over with abundance of satisfaction and question not but that may be of great force to oblige those people to a dutyfull complyance with his Mat<sup>ie</sup> commands. Twould be very gratefull to N. Eng<sup>d</sup> if his Matie should send over S<sup>r</sup> Mathias Vincent or some Gen<sup>t</sup> of good estate; twill make the Gom<sup>t</sup> very easye to those people who have been greatly oppressed and now will be ruined by these late new imposts upon Plantation Comodityes."<sup>491</sup> On the 11th of January he wrote again to Sir Robert Southwell, regretting that he was obliged to stay so long "in this dirty & chargeable town, but the ship broak 2 Cables in the Great Storm last Thirsday night & wee are to stay here or call at Portsmouth for a supply. I have the newes of another prorogation: I would have been glad wee had sayld before that report came out. Our delay I feare will be very prejudicial to the busines I am engaged in. I carry over with me a very sober Gen<sup>t</sup> for our minister who will by his modest & prudent converse gaine upon the people."<sup>492</sup> Our Commander has orders to continue

<sup>491</sup> *Collection of Sir Thomas Phil-lips.* Letter of Nov. 27, post.

Bishop Burnet says in the *History of his own Time*, Vol. III. p. 39, ed. 1833: "The revenue was granted for life, and everything else that was ordered, with such a profusion, that the house was more forward to give, than the King was to ask."

The duty on Tobacco and Sugar was increased; see *Statutes at Large from 1<sup>st</sup> Year of James I. to 10<sup>th</sup> Year of William III.*, Vol. III. p. 405: "An act for granting to his Majesty an Imposition upon all Tobacco and Sugar

imported between the four and twentieth day of June 1685 and the four and twentieth day of June 1693; further rate on all sorts of Tobacco of the Growth and Production of any of his Majesties Plantations etc. three pence for every pound above what it now pays; foreign tobacco six pence per pound; on Muscovado Sugar of the Plantations 1 farthing per pound, on common sugar three farthings etc. *Anno primo Jacobi II. Cap. IV.*"

<sup>492</sup> "Mr. Ratcliffe was a graduate of Oxford, where he took his B. A. at Exeter, Oct. 16, 1677, his M. A. June 15,

1680,

continue upon our Coast for a twelve month, except the president see fitt to send him home with prisoners. That Article may keep the heady in awe." <sup>493</sup> It was not until the 20th of January that Randolph finally embarked on board the frigate,<sup>494</sup> and after a tedious voyage he reached Boston on May 14th,<sup>495</sup> feeling that his main task had been accomplished. "Then the Colony of y<sup>e</sup> Massachusets Bay, y<sup>e</sup> Province of New Hampshire and Maine are brought under his Maj<sup>ties</sup> Governm<sup>t</sup>."<sup>496</sup> The presence of a man of war on the coast, with the possibility that Colonel Kirke might still come as Governor,<sup>497</sup> would be sufficient, it was thought, to overawe the few disaffected, while the news from France alone was enough to make the Colonists acquiesce in the commands

of

1680, and his B. D. July 16, 1691." See *Annals of King's Chapel*, by Henry Wilder Foote, Vol. I. p. 43.

<sup>493</sup> *Collection of Sir Thomas Philipps*. Letter of Edward Randolph to Sir Robert Southwell, 11 January, 1685-6, post.

At this time, and before the arrival of Randolph, Samuel Sewall writes in his *Diary*, on Jan. 21: "The Symptoms of Death are on us."

On 16 February, 1685-6, Samuel Nowell was appointed naval officer in place of James Russell, who resigned. See *Massachusetts Records*, Vol. V. p. 510.

<sup>494</sup> *Randolph's Short Narrative*, post. "Jany 20, 1685-6. I and my family Imbarked upon ye Rose frigget for N. Engld."

<sup>495</sup> *Ibid.* "1686 May 14. I arrived at Boston w<sup>th</sup> his Maj<sup>ties</sup> Commission of Govern<sup>mt</sup> to a President and Councill."

While Randolph was sailing across the Atlantic, his debt of £200, probably the one for which he had begged

the aid of the Archbishop of Canterbury, was paid. See *Publications of the Camden Society*, 1851. "Moneys received and paid for Secret Services of Charles II. and James II. from 30th March 1679 to 25th December 1688. March 22. 1686. To Philip Burton, to same being intended to be applied for and towards the composition and payment of a debt of Mr. Edward Randolph, surveyor of Boston, in New England, due Mrs. Culmer from the said Randolph, at whose suit the said Burton, by direccions of the late Commifioners of the Treas'ry, baylor for ye fl Randolph 200li. os. od."

<sup>496</sup> His *Short Narrative*, under date of 14 May, 1686, post.

<sup>497</sup> *Diary of Samuel Sewall*, 1686, April 15. "Newes is brought that Mr Randolph alone was come for New England; so that the Report that the Devil Kirk was coming (as was said the mariners called him) now abates."

The General Court of Elections had been held at Boston on May 12th.

of the King, no matter how arbitrary they might be. The tide was running strongly in England, as well as on the Continent, in favor of absolute monarchy. The Revocation of the Edict of Nantes was a proof of the autocratic power of a sovereign.<sup>498</sup>

Immediately after landing at Boston, in the morning, Randolph drove to Roxbury to consult with Mr. Dudley upon the necessary measures to be taken to proclaim the new government. The next day the attested copy of the judgment against the Charter was shown to a certain number of the Council. The following day, being Sunday, Sewall noted that the Rev. Mr. Willard, in whose church Mr. Randolph sat, offered prayer as if the Government "had changed or was changing," but the Rev. Mr. Phillips at the Old Church "prayed for the Governor and Deputy Governor." On the 17th, the General Court having assembled, Mr. Dudley made a speech saying he was sorry they could

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<sup>498</sup> *Diary of Samuel Sewall, 1686, March 27.* "Ship comes in from Dartmouth to Salem this week, about 8 weeks passage, brings news of horrid progres[s] of the Persecution in France."

*Diary of John Evelyn, 3 Nov., 1685.* "The French persecution of ye Protestants raging with the utmost barbarity, exceeded even what ye very heathens us'd, innumerable persons of the greatest birth and riches leaving all their earthly substance, and hardly escaping with their lives, dispers'd thro' all the countries of Europe. I was shew'd the harangue w<sup>ch</sup> the Bishop of Valentia on Rhone made in ye name of ye cleargie, celebrating the French King as if he was a God, for persecuting the poore Protestants with this expression in it,

'That as his victory over heresy was greater than all the conquests of Alexander and Caesar, it was but what was wish'd in England.' *May 5, 1686.* About this time also the Duke of Savoy, instigated by ye French King to extirpate the Protestants of Piedmont, slew many thousands of those innocent people, so that there seem'd to be an univeral designe to destroy all that would not go to Massie throughout Europe. *June 27.* The new very young Lord Chief Justice Herbert declar'd on ye bench that the Government of England was entirely in the King; that the Crown was absolute; that the King could pardon all offences against the law and forgive all penalties.'

no longer be treated "as Governor and Company." He then exhibited publicly the exemplification of the judgment, the commission appointing him President of the new government, and his commission as Vice Admiral. Mr. Danforth, the Deputy Governor, asked if an answer was expected from the Court, at which Mr. Dudley said they could not be acknowledged as such. There was no reply to the remarks of the President. Silence fell upon the assembled members, and the spectators, who had nearly filled the room. When the President had gone, a disposition was shown to enter a protest, but that was not done.<sup>499</sup>

There

<sup>499</sup> *Diary of Samuel Sewall, 1686*, May 14. "The Rose Frigot arrives at Nantasket, Mr. Randolph up at Town about 8 *meane*: takes Coach for Roxbury. Satterday May 15. Govt Hinkley, Major Richards, Mr. Russel and Selfe sent to by Major Dudley to come to Capt. Paige's, where we saw the Exemplification of the Judgment against the Charter, with the Broad Seal affixed: dis-coursed about their acceptance. Sabbath May 16, Mr. Randolph at Meeting, fate in Mr. Luscombe's Pue. Mr. Willard prayed not for the Governor or Government as formerly; but spoke so as implied it to be changed or changing. It seems Mr. Phillips at the Old Church prayed for the Governor and Deputy Governor. Monday May 17. General Court Sits at one o'clock. I goe thither about 3. The Old Government draws to the North side, Mr. Addington, Capt. Smith and I sit at the Table, there not being room: Major Dudley the President, Major Pynchon, Capt. Gedney, Mr. Mafon, Randolph, Capt. Winthrop. Mr. Wharton came in on the Left. Mr. Stoughton I left out: Came also Capt. [of] King's Frigot, Govt Hinkley, Govt West and fate on the Bench, and the

Room pretty well filled with Spectators in an Instant . . . no Reply . . . when [President] gone, Major Generall, Major Richards, Mr. Russel & Selfe spake our minds. I chose to say after the Major Generall, adding that the foundations being destroyed what can the Righteous do, speaking against a Protest; which some spake for."

The speech of President Dudley and the reasons for publishing it are given in the *Massachusetts Historical Society Proceedings*, September, 1864, as follows:

"By the President and Council of his Majesties Territory and Dominion of New England in America: —

"Whereas the President and Council are informed that many false Representations and reflections have been made upon what was lately spoken and declared by the President in the Council House at Boston when he together with the members of the Council did there shew forth and publish to such of the late Magistrates and Deputies and other principal inhabitants as were then prefent the Exemplification of the Judgment of his Majesty in his High Court of Chancery against the late Goverour and

There was one small hope left. If Mr. Dudley could be induced to refuse the Presidency, time at least would be gained.

Mr.

and Company of this place as also his Majesties Royal Commission for the erecting of the present Government they have thought it expedient that the Presidents speech taken verbatim by credible persons be forthwith printed and published.

EDWARD RANDOLPH *Scr.*  
Council House Boston June 3<sup>d</sup> 1686."

"*The Speech of the Honourable Joseph Dudley Esq. President of his Majesties Council of this his Territory and Dominion of New England to the late General Assembly in the Council-House in Boston May 17 1686 is as followeth:*

"GENTLEMEN, Here are present of his Majesties Council several of this place besides whom there are other gentlemen whom we have desired to be here as witnesses of what we have in charge to declare unto you.

"And First I must acquaint you that we may now take you now only for such as you are (viz.) considerable gentlemen of this place and Inhabitants of all parts of the countrey, and so a proper assembly to have his Majesties commands communicated to you and under that notion we treat with you, we may not deal with you as a Governour and Company any more.

"The first thing we notifie to you is the exemplification of a judgement entered on his Majesties behalf given in his High Court of Chancery against the Charter and Government of this place. We are commanded to make it known to his Majesties subjects here and we are willing to do it first to yourselves. From your Attourney (while you were in being) I had a copy of it and it was communicated to the Council here read

in the House of Magistrates and in the House of Deputies, the difference betwixt them is in these words [wher[upon] a copy of the *InspeXimus* was read]. I leave it with you to be added to what I formerly gave you: if any gentlemen desire further satisfaction, there will be an office open suddenly where it may be seen.

"The next thing is, His Majesties pleasure to settle a government here. The copy of his Royal Commission for that end we sent to you and understand it has been communicated. We are next to notifie unto you His Majesties grace and favour for the encouragement of Trade in settling a Vice admiralty here with power and authority to extend from the Territory of New York to the utmost bounds of his Majesties Dominion Eastward the management of which is to be in this place, each page is signed with his Majesties own hand (His Majesty being pleased to manage the Admiralty in his own Royal person) and I here present you with the sight of it.

"We have further letters from his Majesty and the honourable the Lords Committees for Foreign Plantations and I am willing his Majesties subjects here should know (so farr as concerns them) the directions and instructions therein contained. And we have other particular instructions for his Majesties service, but if any be so hardy (as is said) to object to any clauses in his Majesties Commission, we have no direction or allowance to capitulate with you about his Majesties command therein. We hope you will not ask things of us we are not allowed to argue, such must apply themselves immediately to his Majesty. It may be thought the unkindness of this good people and the many injuries

Mr. Phillips endeavored, therefore, to bring him to that view, but without success.<sup>500</sup> The change in the constitution of the Colony was made evident not only by the presence of a naval officer of the Crown at the meeting of the General Court, but also by the celebration of the marriage service according to the rites of the Church of England by Mr. Ratcliffe on the 18th, those services having been hitherto performed by magistrates, or those especially authorized by the civil power.<sup>501</sup> No time was lost in organizing the new government

injuries they have done me may have put me forward to doe more in this matter than otherwife I would have done. I will endeavour and (I will assure you) I will pray to God to enable me I may forget all injuries and and [*sic*] prejudices and if I can do any thing towards an Indulgence in matters of Religion and put forward the good of this place and represent their grievances (when I shall orderly know them) I shall be glad to serve you as well as ever I have done and more.

The address of this countrys Governour and Company could not come to the Kings ear, nor obtain the sight of his Majesty, but if these gentlemen whose Estates and Interests are here amongst you can affist to the advancement of any thing that can secure you or represent your interest to the King His Majesty has allowed us and graciously commanded us so to doe; and there will be alwaies something for you to ask which cannot be laid before his Majesty but by the humble address of the Persons now betrusted, and you need not sollicit them to affist in what they know requisite for this peoples good.

*Mr. Danforth.* I suppose you expect no reply from the Court?

*Pres.* I know no Court here in being till the Kings Court be in order and settled; and it will incurr the Kings displeasure so to understand yourselves and I suppose what I now speak is the mind of the rest of the Council here present.

To which the gentlemen of His Majesties Council then assented."

<sup>500</sup> *Diary of Samuel Sewall*, May 18. "Mr. Phillips had very close Discourse with the President to persuade him not to accept; 'twas in Mr. Willard's Study Monday afternoon just at night. Mr. Stoughton and Mather there too."

<sup>501</sup> *Diary of Samuel Sewall*, 1686, May 18. "A great Wedding from Milton, and are married by Mr. Randolph's chaplain, at Mr. Shrimpton's, according to the Service-Book, a little after noon, when Prayer was had at the Town-House: Was another married at the same time. The former was Vosse's Son. Borrowed a Ring. 'Tis said they having asked Mr. Cook and Addington, and they declining it, went after to the President and he sent them to the Parson."

*History of Massachusetts Bay*, by T. Hutchinson, 2d ed., Vol. I. p. 444. "I suppose there had been no instance of a marriage, lawfully celebrated, by a layman

government. On Sunday, the 16th, the first official communication to the Lords of the Committee was prepared and signed by Dudley, and by Randolph as Secretary, stating "wee are now Assembled this day to send Summons to the Gentl<sup>m</sup> Nominated in the Commission (some whereof are farre distant) to attend at a shourt day, and humbly Assure yo<sup>r</sup> Lordsh<sup>p</sup> that Wee accept this his Maj<sup>ties</sup> unspeakable favour with all duty and Obedience, And shall send yo<sup>r</sup> Lo<sup>r</sup>sh<sup>p</sup> an Acco<sup>t</sup> of our management by M<sup>r</sup> Mason one of the Councill who comes to England by the next ship." <sup>502</sup>

Not only were notices forwarded to the gentlemen nominated for the Council, but an order was also sent to the Governor of Rhode Island, even before the service of the writ of quo warranto, prohibiting any transferring of lands in the King's Province.<sup>503</sup> The receipt of the order was acknowledged, but the Quaker Governor, who appears to have been at that time on very friendly terms with Randolph, pleaded that the lands in question belonged to Rhode Island, and that the rights of Rhode Island were protected by charter.<sup>504</sup>

While awaiting the assembling of the newly nominated  
Council,

man in England when they left it. I believe there was no instance of marriage by a clergyman after they arrived, during their charter, but it was always done by a magistrate, or by persons specially appointed for that purpose, who were confined to particular towns or districts. If a minister happened to be present, he was desired to pray."

<sup>502</sup> *State Papers, Colonial, Bundle 55* (65). Dudley & Randolph to the Com<sup>tee</sup>, 16 May, 1686, *post*.

For the summons to Fitz-John Winthrop to attend a meeting of the new

council, dated May 17, see *Massachusetts Historical Society Collections, Sixth Series*, Vol. III. p. 474, *post*.

<sup>503</sup> *Massachusetts Archives*, Vol. CXXVI. p. 2. Order for the Gov of Rhode Island relative to the Kings Province, Narraganset Country.

<sup>504</sup> *Ibid.*, Vol. CXXVI. p. 4. Letter of Gov. Walter Clarke and others to President Dudley, 28 May, 1686.

Gov. Clarke had written on the 15th a most friendly letter to Randolph, saying, "I shall be glad to serve thee in any office of love to my power, which I pre- fume

Council, the General Court met on the 20th and prepared a reply to President Dudley, in which they say, "Upon perusal of your Commission wee finde, as wee conceive, that there is no certeine determinate rule for your administration of justice, & that which is feemes to be too arbitrary. That the subjects are abridged of their liberty as Englishmen, both in the matter of legislation and in the laying of taxes, and indeed the whole unquestioned priviledge of the subject transferred upon yourselves, there being not the least mention of an assembly in the comission. And therefore wee thinke it highly concernes yow to consider whither such a comission is safe, either for yow or us."<sup>505</sup> At the same time a committee was selected to take charge of all papers relating to the Charter, and of all titles to lands purchased from the Indians.<sup>506</sup> The next day, the whole Court having met at the house of Governor Bradstreet, after discussing the question whether the keys of a fort ought to be given up until the President and Councillors had been sworn to office, "the Adjournment which had been agreed before, Second Wednesday in October next at 8 o'clock in the Morning, was declared by the Weeping Marshal-General. Many Tears Shed in Prayer and at parting."<sup>507</sup>

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fume in the minds of all my well beloved friends." See *Massachusetts Archives*, Vol. CCXLII. p. 335. Letter from Walter Clarke to Edward Randolph, Esq., *post*; printed with slight changes of orthography in the *Massachusetts Historical Society Collections, Third Series*, Vol. I. p. 81.

<sup>505</sup> *Massachusetts Records*, Vol. V. p. 515. Court's reply to his Majestye's Commissioners. 20 May, 1686, *post*. The Magistrates said, "although wee

cannot give our assent thereto [change of government], yet hope shall demeane ourselves as true & loyall subjects to his Maj'y, and humbly make our addresses unto God, & in due time to our gracious prince for our releife."

<sup>506</sup> *Ibid.*, Vol. V. p. 516. Court's order for a repository of papers, *post*.

<sup>507</sup> *Diary of Samuel Sewall*, Friday, 21 May, 1686. On the 19th Sewall writes, "Mr. Higginson and Mr. Noyes steady for Submission."

In the afternoon the President having gone on board the frigate, "the Flagg is hung out at the Main Top. About 4. or 5. P.M. She comes up with a fair wind, Castle fires about 25 Guns; a very considerable time after the Frigot fires, then the Sconce and Ships, Noddles Island, Charlestown Battery, Frigot again, Ships with their Ancients out, and Forts their Flaggs. Not very many Spectators on Fort Hill and there about."<sup>508</sup> The 25th of May having been selected for the inauguration of the new government, it was proposed that the militia should parade under arms, and the Boston Troop escort President Dudley from Roxbury to Boston, but the discontent among the soldiers was so great that the plan seems to have been given up.<sup>509</sup> "No Body that I observed went to meet the President at his first coming to Town that I know of."<sup>510</sup> Eleven<sup>511</sup> members of the Council having met in Boston on the 25th, the oaths required were administered to them and to the President,  
after

<sup>508</sup> *Diary of Samuel Sewall*, same date. The entry of adjournment appears under the date of the 20th in the printed records and in the manuscript. Probably Secretary Rawson neglected to place the numeral 21 opposite the words, "This Day the whole Court mett at the Governors house etc.," in making his short final entry, the previous one being on the 20th.

<sup>509</sup> *Ibid.*, same date. "Major Richards objected the discontent of the Souldiers and may be it might prove inconvenient."

18 May. "In the afternoon Major Richards and Self sent for to Capt. Winthrop's, and desired to have our Companyes in Arms next Tuesday, Boston Troop to bring the President from Rox-

bury; what was thought of the former notion is now laid aside."

<sup>510</sup> *Ibid.*, 26 May.

<sup>511</sup> Fourteen is the number given by Randolph, but according to the *Council Records*, Vol. II., *State Paper Office, Massachusetts*, Vol. I. p. 1, only eleven members were present besides the President. These records in manuscript copied from the transcripts sent to England are in the State House. Some of the minutes of the Council under Andros are also there, and some are in the possession of the American Antiquarian Society at Worcester. It is to be hoped that they will in time be published by the State, or by the American Antiquarian Society.

after the reading of the Judgment and the Commission of government. Their first act was to "empower all constables to continue in their places," and justices of the peace were appointed. "Our next care was to intrust the Militia in the hands of persons well affected to his Maj<sup>ie</sup>, the cheifest whereof being members of the Councill. The Castle of Boston a place of great importance to this Country is now put under the Care and Command of Capt<sup>n</sup> Wait Winthrop, a person of known loyalty." The means of supporting the government were then discussed, the treasury being empty, and the Colony found to be heavily in debt. It was suggested to the Lords of the Committee that the Council should have power to fill vacancies among themselves, besides those caused by death. In regard to the Church of England it was said, "Your Lordships Letters and recommendations of M<sup>r</sup> Robert Ratcliff to the performance of his function here have been communicated to us, and the Gentlemen and other Inhabitants in Boston who do attend the worship of God with him, shall want no Incouragement from us, nor will M<sup>r</sup> Ratcliffe faile of a good support and maintenance by their means."<sup>512</sup> The establishment of  
the

<sup>512</sup> *State Papers, Colonial, Bundle 55* (337). Account of proceedings of the new Government, dated 1 June, 1686, *post*. This account was presented at Windsor by Mr. Mason on July 26. The speech delivered by President Dudley to the Assembly in the Council House on May 25 is found in *Council Records*, Vol. II., *State Paper Office, Massachusetts*, Vol. I. p. 1, and is printed in the *Massachusetts Historical Society Proceedings*, September, 1864.

In this speech he expresses the hope of "a sober loyal and dutiful demeanour towards his Majesties government here, for, his Majesties desire is no other than the happy increase and advance of these provinces by their more immediate dependence upon the Crown of England." He then adverts to the "gracious and favourable clause of Indulgence in matters of religion so necessary for the peace and flourishing of this place. As for the injuries late offered

the new government was proclaimed by beat of drum and sound of trumpet, and copies of the printed proclamation were sent to various towns.<sup>513</sup>

The next day, the 26th, "Mr Ratcliff, the minister, waits on the Council; Mr. Mafon and Randolph propose that he may have one of the 3 Houses to preach in. That is deny'd, and he is granted the East-End of the Town-House, where the Deputies used to meet; untill those who desire his ministry shall provide a fitter place."<sup>514</sup> On the following Sunday, the 30th, services were held according to the rites of the Church of England, to which, it appears, many went, partly

offered to myself by this people I should not once have mentioned them but to assure you that I have perfectly forgotten them."

<sup>513</sup> *Council Records of Massachusetts*, Vol. II., *State Paper Office*, Vol. I. p. 1. In the Proclamation Simon Bradstreet, William Stoughton, Peter Bulkley, John Pinchon, Robert Mafon, Richard Wharton, Wait Winthrop, Nathaniel Saltinfall, Bartholomew Gidney, Jonathan Ting, John Usher, Dudley Bradstreet, John Hinks, Francis Champernoon, Edward Tyng, John Fitz-Winthrop, and Edward Randolph were mentioned as being appointed members of the Council, and among the Justices of the Peace were John Richards, Samuel Sewall, Edward Rawson, Daniel Gookin, James Russell, John Hawthorne, John Woodbridge, and John Appleton, Sr.

By a curious coincidence Sir Edmund Andros was nominated by the King on the same day Governor of New England, but did not come to his government until the following December. *State Papers, Colonial, Entry Book 61*, p. 270. "On the 25<sup>th</sup> of May 1686, His Maj<sup>ty</sup> was pleased to

nominate S<sup>r</sup> Edmund Andros for that Government and to signe a Warrant for the following commission." The commission was signed on June 3d,

<sup>514</sup> *Diary of Samuel Sewall*, 26 May, 1686. There is no mention of this request and refusal in the Council records for that day; some Justices of the Peace were appointed; an order was passed that all causes under Forty shillings should be heard by a member of the Council or by two Justices of the Peace. William Stoughton was made Deputy President, and forms for military commissions were ordered to be prepared.

The Rev. Phillips Brooks speaks of the opposition to the introduction of the Church of England in the *History of the American Episcopal Church*, Vol. II. p. 486. "To the old Puritan dislike of episcopacy had been added the distrust of the English Church as the church of the oppressors of the colonies. Up to the beginning of the Revolution the Episcopal Church in Boston had been counted an intruder. It had never been the church of the people, but had largely lived upon the patronage of the English Governors."

partly for the novelty, very few of the inhabitants then living having been present at the services of that Church.<sup>515</sup>

The Council, on the 27th, organized the Courts of Justice, and appointed the places and times of their meetings,<sup>516</sup>  
Randolph

<sup>515</sup> *History of Massachusetts Bay*, by T. Hutchinson, 2d ed., Vol. I. p. 355. "Most of the inhabitants who were upon the stage in 1686 had never seen a Church of England assembly." See *John Dunton's Letters from New England*, Prince Society, p. 137. "Another Occurrence that happened whilst I was here was the Arrival of the Rose Frigot from England with a New Charter, brought over by one Randal [Randolph], a Person greatly hated by the Bostonians; by this Charter Major Dudley was made President; a very worthy, honest and accomplished Person, and every way a Gentleman. Mr. Ratcliff was the Parson that came over with the Charter, who was a very excellent Preacher, whose matter was good, and the dress in which he put it, Extraordinary; he being as well an Orator as a Preacher. The next Sunday after he landed, he preached in the Town-House, and read Common Prayer in his Surplice, which was so great a novelty to the Bostonians that he had a very large audience; and myself happening to go thither for one, it was told about Town, as a piece of wonder, that Dr. Annefley's Son-in-Law was turned apostate; so little charity have Some Men in New England, for all that have a larger charity than themselves. Dr. Bullivant and Mr. Gouge and Mr. Tryon were constant hearers at the New Church; but for my own part I went but once or twice at first, tho' Mr. Ratcliff (as I have said before) was an Extraordinary good Preacher."

Mr. Dunton speaks also of the loss

of liberty of the colonists. "They being now to lose the old Title of Governor and Magistrates for President and Council, tho' more Modish, it would not relish so well with men that had their Liberty for above 60 years."

Samuel Sewall in his *Diary* speaks of the services as follows: "Sabbath May 30th 1686. My Son reads to me in course the 26<sup>th</sup> of Isaiah.— In that day shall this Song &c. and we sing the 14<sup>th</sup> Psalm, both exceedingly suited to this day, wherein there is to be Worship according to the Church of England, as 'tis call'd, in the Town-House, by countenance of authority. 'Tis deferred 'till the 6<sup>th</sup> of June at what time the Pulpit is provided: The pulpit is movable carried up and down stairs, as occasion serves; it seems many crowded thither, and the Ministers preached forenoon and afternoon."

<sup>516</sup> *Council Records of Massachusetts*, Vol. II., under date of 27 May, 1686. The Courts organized included a "Superior Court of General Assize and General Goal Delivery" to be held by the President or Deputy President and Council three times a year in Boston for the whole Dominion of New England for all cases of appeal, criminal cases, and other matters above the cognizance of the Inferior Courts; from which Court an appeal would lie to the King in Council. On the 28th an order was passed to the effect that none but sworn attorneys should plead in the courts, "save that every man is allowed to plead his own cause."

Randolph writing the same day to Governor Treat and the Council of Connecticut, "I have with me two Quo Warrantoes against yo<sup>r</sup> Colonie, as also against Road Island: his Ma<sup>tie</sup> intends to bring all New England under one Governm<sup>t</sup>, and nothing is now remaining on yo<sup>r</sup> part but to think of an humble Submission and a dutifull resignation of your Charter w<sup>ch</sup> if you are so hardie so [as to] offer to defend at law, whilste you are contending for a shaddow you will in the firste place loose all that part of your Colonie from Connecticut to N. Yorke and have it annexed to that governm<sup>t</sup>. To prevent this you must make an heartie and timely application to his Ma<sup>tie</sup> with an humble submission and petition for liberty of conscience and confirmation of your lands. A Court by this Governm<sup>t</sup> is ordered shortly to be kept in y<sup>e</sup> Narragansit to assert the authority granted by His Ma<sup>ties</sup> Commission & to prevent y<sup>e</sup> Road Islanders further incursions: I expect not that you trouble me to enter your Colonie as a herald to denounce warre. S<sup>rs</sup> Bleſſ not yourselves w<sup>th</sup> vaine expectation of advantage & spinninge out of time by my delay: I will engage tho' the weather be warme the wris will keep found and as good as when firſt landed."<sup>517</sup> Being doubtful as to what

<sup>517</sup> *Colonial Records of Connecticut*, Vol. III. p. 352. Edward Randolph to Governor Treat and Council, 27 May, 1686, *post*.

The time for serving the writs in Randolph's hands had already passed. The following is found under date of 21 April, 1686. "Mem: My Lord President is desired by the Right Hon<sup>ble</sup> ye Lords of y<sup>e</sup> Com<sup>tee</sup> for Trade and Plantacons to move his Ma<sup>y</sup> that the direc<sup>tions</sup> to M<sup>r</sup>

Attorney Grall that y<sup>e</sup> prosecution of feveral Writs of Quo Warranto against the Propriety of the Province of Maryland & against the Colonies of Connecticut & Rhode Island & y<sup>e</sup> Proprieties of East & West New Jersey & of Delaware in America may be renewed & that y<sup>e</sup> Same may be prosecuted to effect. Councill chamber." *New York Colonial Documents*, Vol. III. p. 363; also *Maryland Archives*, Vol. V. p. 456.

what course he ought to pursue, the writs being no longer of legal force on account of the lapse of time, the Governor of Connecticut turned to Governor Dongan of New York for advice. If the agent of Connecticut in London could not defend the suit against the Charter, the question arose as to what province the Colony should be annexed. President Dudley was anxious that it should be added to the Dominion of New England, while Governor Dongan wished it to be joined to New York.<sup>518</sup>

On the 28th the Council still continued their work of arranging the details of the administration of justice, the recording of deeds and other legal documents, appointing John Usher, Treasurer, and settling the custom house fees for Randolph.<sup>519</sup> To Randolph was also assigned the office

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<sup>518</sup> *Colonial Records of Connecticut*, Vol. III. p. 354. Governor Treat to Governor Dongan from N. Haven, 14 June, 1686. "If Conecticot Co: must fall, it may be as easie for us to fall Westward as Eastward. Mr. Randolph enformes us of a Quo Warranto yt is with him against this Government but we have seen nothing as yet."

*Ibid.*, Vol. III. p. 355. Governor Treat to Governor Dongan from Milford, 3 July, 1686. "S: Mr. Randolph in his lafte letter to Gov'r and Companie seems to winde up his reslove, instead of serving his Quo Warranto, to report as a private Gentleman lineally yt he hath such a thing, and ye receat of such a letter is owned by o Counsell, w<sup>ch</sup> he faith is sufficient for to justifie him at Whitehall without any further serving or shewing any authority from his Majestie at all about this colonie, w<sup>ch</sup> way of proceeding we understand not, seeing its his Majesties proclamation to continue as we were till his Royall pleasure

be manifested to us, and there we stand and must doe so for ought I see yet."

*Ibid.*, Vol. III. p. 358. President Dudley to Governor Treat, 21 July, 1686, urging Connecticut to join Massachusetts having a "common interest of Religion and Liberty." Major Jno. Pincheon and Mr. Waite Winthrop were appointed by President Dudley to see Governor Treat in Connecticut for the same end.

*Ibid.*, Vol. III. p. 366. Governor Dongan to Governor Treat, 13 August, 1686, urging Connecticut to join New York.

*Ibid.*, Vol. III. p. 368. Instructions to William Whiting, agent, to defend the Connecticut charter at law if possible, 24 August, 1686.

<sup>519</sup> *Massachusetts Archives*, Vol. CXXVI. p. 5. May 28, 1686. Cufome House Fees allowed by the President and Councill to Edward Randolph, Esq. Collector etc. *post.*

of recording licenses to perform marriage services, the authority to perform those services being conferred by proclamation upon ministers as well as justices of the peace.<sup>520</sup> This change was made to meet the requirements of the Church of England. A registry was also to be kept of the births and deaths. Upon the 30th, Randolph served the writ of quo warranto upon Rhode Island,<sup>521</sup> and on June 12th [22d] he made a second journey to that Colony in order to receive the answer.<sup>522</sup> The date of serving the second writ given by Randolph does not agree with that in the records  
of

<sup>520</sup> *Council Records of Massachusetts*, Vol. II. 29th May, 1686. An order was also made the same day "for the orderly and equall appearance of juries to serve in Courts," and orders sent to Maine about money already collected. On the 1st of June the Council being disturbed by the General Court's reply of May 20th, which the members called a "libellous paper," an order was passed "that Mr. Rawlson be examined about the said paper."

On June 2d "its thought necessary" to continue the duty of one penny in the pound upon goods brought from England; the rates and duties of wines to be continued; entry to be made before landing of goods; retailers of wine to obtain licenses from the Treasurer; powder duty for supplying the forts to be continued; no one to trade with the Indians for Pelfrey or Beaver without the Treasurer's license, the Province of New Hampshire excepted; fees for trials, probate of wills, appeals etc. settled: Secretary Randolph was requested to draw up a petition "that if Judgment pass against Rhode Island and Connecticut, or they resign, it will be of great importance and satisfaction to all his Maj<sup>ties</sup> subjects in those and this

colony to be annexed under the same Government, at least that the free commerce that hath alwayes been between the said colonyes may be continued without which neither can subsist; that it will be much for his Maj<sup>ties</sup> service, and needfull for the support of the Government & prosperity of all these Plantations to allow a well regulated Assembly to represent the people in making needfull lawes and levies." The re-establishment of the Mint was also asked for, and that Sugar shipped from New England need not pay a duty in England, if it had already been paid in the Plantations, and "that all Tobacco shipped from New England to London have the penny in the pound abated." Thomas Scattow became deputy secretary for Randolph in Maine, and Richard Waldron in New Hampshire. See *History of New England*, by J. G. Palfrey, ed. 1864, Vol. III. p. 503.

<sup>521</sup> *Randolph's Short Narrative*, post. "May 30. I served y<sup>e</sup> Writ of Quo Warranto upon the Gover<sup>n</sup> and Compā of Rhode Island."

<sup>522</sup> *Ibid.* "June 12. I made a second journey to Rhode Island to receive y<sup>e</sup> Gen<sup>l</sup> Court's answer."

of the Colony.<sup>523</sup> His first journey must have been a rapid one, for he was present at the meeting of the Council in Boston on May 29th, and also on June 1st.<sup>524</sup> His attendance at the Council meetings was regular, only being absent when performing official duties elsewhere than in Boston. Few members only were present at those meetings. On the 13th there was not even a quorum, and consequently "no busines was done that day." President Dudley wrote, however, to Mr. Edward Rawfon requiring him to deliver to Mr. Randolph the records, papers, and documents belonging to the office of Secretary.<sup>525</sup> The refusal of several of those

<sup>523</sup> *Rhode Island Colonial Records*, Vol. III. p. 190. 29 June, 1686. "Voted whereas we have received from our gracious Majest<sup>y</sup> by the hand of Edward Randolph Esq. a writ of quo warranto, bearing date October 6, 1685. and received the 22<sup>d</sup> of June 1686, this Assembly do hereby order publish and declare that they are determined not to stand fuit with his Majest<sup>y</sup>."

<sup>524</sup> *Council Records of Massachusetts*, Vol. II., under the above dates.

On the 10th of June the Council ordered "that each Town have the same liberty and power of chooing & Instruncting their Select Men, Constables and other officers for the management of their own affairs as they have used and exercised, and all such elections to be made by the Freeholders in every Towne." Power was also given to the towns to tax themselves, the amount being first allowed by the justices of the peace or a resident member of the Council.

On the 11th the President took the oath to observe the Acts of Trade and Navigation; and a Committee was chosen to inquire as to the best method

of improving trade. On the same day Samuel Sewall "took the oath of allegiance and rec'd my new Commission as Capt." See his *Diary*, June 11.

<sup>525</sup> *Council Records of Massachusetts*, Vol. II., under date of 13 June, 1686. President Dudley wrote to Mr. Edward Rawson, "Whereas it hath pleased his Maj<sup>y</sup> in the settlemt of the Government of this His Maj<sup>y</sup>s Territory & Dominion to appoint and commissionate Edward Randolph, Esq<sup>r</sup> to be the Secretary and Register of this his Maj<sup>y</sup>s said Governmt and Dominion, These are therefore in his Maj<sup>y</sup>s name to order & require you to deliver into the said Randolph's hands the Books, Records, Files and other utensells belonging to the said office of Secretary late exercised by your felfe, that they may be safely disposed and managed for his Maj<sup>y</sup>s service according to the directions that are or may be given unto the said Edw. Randolph, and hereof you may not fail. J. Dudley, P."

On the 14th, "Elisha Hutchinson refused a commission for Capt<sup>a</sup> of the Foot Companys in Boston." This refusal is mentioned by Sewall in his *Diary*,

those who had been selected to serve as members of the Council led to the nomination, on the 19th, of eight persons by the Council to fill vacancies, the names to be approved by the King.<sup>526</sup> Three days later, Randolph, then in Rhode Island, wrote a sharp letter to Governor Hinckley of Plymouth, complaining of the imposition of ministerial taxes on the Quakers: "Perhaps it will be as reasonable to move that your colony shoud be voted to pay our minister of the Church of England, who now preaches in Boston, and you hear him not, as to make the quakers pay in your colony."<sup>527</sup> The next day he was in the Narraganset country, when a Court was held to proclaim the royal authority over the King's Province. It was there decided that no action on title to lands should begin before August 20th.<sup>528</sup>

Assembly

*Diary*, who a little later, on the 18th, records the death of a child to whom he was attached. "My dear Son Hull Sewall, dyes at Newbury about one o'clock Brother Toppa gets hither to acquaint us on Satterday morn between 5 and 6."

On the 17th, on Mr. Randolph's motion, William Rawson was retained as messenger in the Secretary's office, with the same privileges enjoyed by him when his father held the position of Secretary.

On the 18th, ordered that a fine should be levied upon any one selling Wine, etc. to an Indian or negro without permission.

<sup>526</sup> *History of Massachusetts Bay*, by T. Hutchinson, 2d ed., Vol. I. p. 351, note. "Nathaniel Saltonstall appeared once to excuse himself, having a few days before taken the oath of assistant. The governor, Mr. Bradstreet, was also named, and the president, with the council waited upon him at his home,

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immediately upon opening the commission, but he made several excuses, and did not accept. His Son Dudley Bradstreet also refused."

*State Papers, Colonial, Bundle 55* (339). From y<sup>e</sup> Presid<sup>t</sup> @ Council of New Engl<sup>d</sup> to y<sup>e</sup> Committee, June y<sup>e</sup> 19<sup>th</sup> 1686, post.

<sup>527</sup> *Rhode Island Colonial Records*, Vol. III. p. 199; also *Hutchinson's Massachusetts Bay*, 2d ed., Vol. I. p. 357. Letter of Randolph to Hinckley, 22 June, 1686, post. Hutchinson adds, "Randolph had the insolence to reprove and threaten the governor of Plimouth for exacting taxes from the quakers for the support of the ministry in that colony before the authority was superseded."

<sup>528</sup> On the 28th of May a proclamation had been issued by the President and Council "discharging all his Majesty's subjects within the said Narragansett Country or King's Province, and

all

Assembly of Rhode Island was disturbed by a demand made by Randolph of a thousand acres of land for his friend, the Earl of Clarendon, and a committee was appointed to treat with him.<sup>529</sup> They then prepared an address to James II., begging that their religious privileges might be continued, "because we are a people that have been and are real to your majestye's interest, and despised by our neighboring colonies." Although the time for the return of the writ was past, we will "not stand suit with your majesty."<sup>530</sup>

An Episcopal Church having been fully organized in Boston on June the 15th,<sup>531</sup> Randolph made a report of his proceedings

all the Islands, rights and members hereof, from the government of the Governor and Company of Connecticut and Rhode Island and Providence Plantation, and all others pretending any power or jurisdiction," signed by Edward Randolph, Secry. See *Rhode Island Colonial Records*, Vol. III. p. 197.

*Massachusetts Historical Society Collections, First Series*, Vol. V. p. 246. Proceedings of a Court held by his Majesty's Commissioners and Justices in the Narraganset Country: "Kings Province, June 23, 1686. At a court held by his Majesty's commissioners and justices at Major Richard Smith, in Rochester, in the King's Province. Present Joseph Dudley Esq. President; John Winthrop Esq., Edward Randolph Esq., Richard Wharton Esq." Commission read; oath taken; John Fones sworn as clerk; Militia commissions delivered; towns named Kingston, Westerly, and Greenwich became Rochester, Faversham, and Deptford; no action on title of lands to begin before August twentieth next.

<sup>529</sup> *Rhode Island Colonial Records*,

Vol. III. p. 191, under date of 29 June, 1686. "Voted whereas it appears to this Assembly that Edward Randolph, Esq. hath demanded one thousand acres of land of this colony, on behalf of the Right Honorable the Earl of Clarendon, This Assembly having taken the matter into serious consideration, have thought meet to appoint a Committee to treat with the Honored Edward Randolph, and to make such agreement as they see most meet."

<sup>530</sup> *Political Annals*, by George Chalmers, p. 280. The address of the governor and company of Rhode-Island and Providence Plantations to James II., 3 July, 1686. "The greatest part of our colony was assumed from us, called the King's province, before we received a quo warranto."

<sup>531</sup> *Annals of King's Chapel*, by Henry W. Foote, Vol. I. p. 44. "Besides Mr. Ratcliffe and Mr. Randolph were present Captain Lydgett, Messrs. Lufcomb, White, Maccartie, Ravencroft, Dr. Clarke, Messrs. Turfrey and Bankes and Dr. Bullivant. It was voted to defray the expenses of the church by a weekly collection at evening service. Dr.

ceedings in the matter to the Archbishop of Canterbury, who had first propos'd in Council "that one of their meeting houses in Boston should be ordered to be set apart for the exercise of the religion according to the Church of England."<sup>532</sup> In his letter he describes the attempts made to persuade Mr. Dudley not to accept the office of President, and of the flight put upon Mr. Ratcliffe: " 'twas a long time before they tooke the least notice of him or his busyness; at last, though strongly oppos'd, I got a little roome in the towne house, for such as were for the Church of England to assemble in, but found it so straite that we are forced now to make use of the exchange for that purpose; where to humour the people our minister preaches twice a day and baptizes all that come to him, some infants, some adult persons; we are now come to have praiers every

Wednesday

Dr. Benjamin Bullivant and Mr. Richard Bankes were elected the first church wardens." Mr. Randolph was made one of the committee to treat with the President and Council in regard to church matters. It was "agreed that a letter be sent to ye Right Reverend father in God, the Lord Arch-Bishop of Canterbury and another to the Reverend father in God the Lord Bishop of London to implore those Prelates favour towards our church." The favor of the King was also asked, and of "all true sons of the Church of England."

<sup>532</sup> For an account of the three Boston churches, see note on page 68 of *Dunton's Letters*, Prince Society. The First Church stood where Joy's Building now is on Washington Street. Rev. John Wilson was the first minister, in 1632. James Allen, 1668-1710. Joshua Moody assistant 1684-92. The Second Church or Old North, was established by Samuel

Mather, brother of Increase, in 1650. It stood at the head of North Square, and the second edifice, built in 1677, was destroyed by the British troops in 1775. Increase Mather preached here from 1669 to 1723, Cotton Mather 1685 to 1728, and Samuel Mather (son of Cotton) 1732 to 1741. The Third Church was the Old South, of which Thomas Thatcher was installed the first pastor in 1670, Samuel Willard succeeded him in April, 1678, and died in 1707. The Town House was built about 1657. It was where the Old State House now stands, at the head of State Street, and stood until the great fire of 1711, in which it was consumed. Dunton describes the Town House as a building on pillars in the middle of the town, where the merchants meet every day. In the chambers above, the monthly Courts are kept.

Wednesday and Friday mornings on their exchange, and resolve not to be baffled by the great affronts; some calling our minister Baal's priest, and some of their menesters, from the pulpit, calling our praiers leeks, garlick, and trash. We have often moved for an honorable maintenance for our menister; but they tell us those that hire him must maintaine him, as they maintaine their own menisters, by contribution. Of a president and eighteen members of the councell, there is onely myselfe, since Mr. Mason's departure for England, that is of the Church of England, and 'twas never intended that that charge should be supported by myselfe and some few others of oure communion. I humbly represent to your grace that the three meeting houes in Boston might pay twenty shillings a weeke, a piece, out of their contribution, towards the defraeng our church charges; that sume being les per annum than each of their ministers receive. We have yet necessitie for another minister to come over to us: for if any illnes or indisposition happen to the present incumbent, we have no man heere to performe the office. I am not to forgit to your grace the banke of monie in the hands of the Corporation for evangelizing the Indians. Your grace was very desireous that the monie might be inquired after, and applied to build us a church and a free schooll, that our youth might be no longer poysoned with the feditious principles of this country: I am told that there is not les than two thousand pounds here, but adventure not to stir the least in it, having all redie brought upon myselfe so many enemise, and to all my crimes added this one as the greatest in bringing the letherdge [liturgy] and ceremonise of the Church of England to be observed amongt

amongst us, and this day is a Commencement at our Collidge, which your grace was pleased to honoure with a present of the learned Hamonds works, that rich man : They are all at present more taken up in putting in one Morton of Neven-ton-green, a rank independent, to be theire precent, than to shew any respect which is due to youre graceous present, and I cannot expecit it shall be otherwise till his Majesty shall be pleased to send us a generall governor from England. Most part of our chiefe officers, as justices of the peace etc. are Congregationall men, and not above three church of England men ; and not above three church of England officers in the militia ; so that in the maine I can only assure your grace that the persons onely and not the government is changed. I am, by their maliciouse practices made very uneasie ; and such persons who reape particular advantages by the change of government hate me for accomplishing it, and are makeing parties and factions to misrepresent me to his Majestie. I humblie pray, upon all occasions, the continuance of your graceouse favour, by which I shall be better inable to attend his Majesties affairs heer committed to my care.”<sup>533</sup>

Mr.

<sup>533</sup> *Hutchinson's Collection of Papers*, Prince Society, Vol. II. p. 291. Mr. Randolph to the Archbishop of Canterbury, 1686, July 7, according to Mr. Palfrey, *post*.

On July 1st, Mr. Randolph took his oath of office as Secretary and Register, and Mr. John Usher as Treasurer. On the same day, “Mr. Robert Ratcliff’s paper desiring an honourable maintenance and good encouragement (futable for a minister of the Church of England) was read & thereupon ordered;

that Mr. Liscomb and others do consider and make Report (of what his Auditors have agreed) to the Councill.” *Council Records*, Vol. II. *State Paper Office, Massachusets*, Vol. I., under date of 1 July.

At a meeting of members of the Episcopal church, 4 July, it was “agreed to pay Mr Ratcliffe our minister 50/- p annu Salary besides what y<sup>e</sup> Counsell Shall think fitt to Settle on him ; and if M<sup>r</sup> Buckley, chaplain to his Majesties Frigatt the Rose, shall please to assist

m<sup>r</sup>

Mr. Dudley, through the influence of Randolph having obtained the presidency, soon began to grow cold towards him,<sup>534</sup> which he notices in a letter to Sir Robert Southwell: "who would otherwise expect but coming with such an olive branch in my mouth, but I should meet with from all parties & places a gratefull reception. I confesse at my first landing all people told me they were glad to see me: & I knowing then no reason to the contrary beleived them: but when the Gom<sup>t</sup> was in the hands of the Pres<sup>t</sup> & Councill, I found twas still but y<sup>e</sup> Gov<sup>r</sup> & Company: with this alteration onely: they good men were most of them old & infirm & had lands enough: But our Presid<sup>t</sup> in the first place turnes out an understanding man Clerck of the County Court in Boston worth above 100l a yeare to make way for his son a stripling of 16 yeares old and to make it worth his while has added 3 fourth parts of the perquisites of my office of Se<sup>c</sup>ry & Register & to humble me has countenanced

m<sup>r</sup> Ratcliffe, he shall receive for his paynes 20s a weeke. *Agreed*, That there be a Sacrament the 2<sup>d</sup> Sabbath in August next. *Agreed*, That the Counfell be addressed unto, to give us Libertie and authority by a briefe to passe through the Whole territory of his Majestie in New England, and therein to Collect and Receive all Such voluntary Donations as all persons whatsoever shall be disposed to give us for and towards y<sup>e</sup> Building of a church in Boston, to be erected for the Service of God, and for the use of the Church of England as p Law Established. *Agreed*, That the prayers of y<sup>e</sup> Church be said every Wednesday and Friday in the yeare, for the present, in the Library Chamber, in y<sup>e</sup> town house in Boston,

and in the Summer Season to beginne at 7 of the Clock in the morneing, and in the Winter Season at 9 of the Clock in the Forenoone."

<sup>534</sup> *History of Massachusetts Bay*, by T. Hutchinson, 2d ed., Vol. I. p. 351. "M<sup>r</sup> Dudley, having made Randolph trumpeter of his attachment to the prerogative and answereed his ends, soon after grew cool towards him."

Mr. Dudley being Vice Admiral held his first court on July 5th: "Several Ships have been condemned here for tradeing contrary to the Acts. First Court of Admiralty under the new Government was held the 5<sup>th</sup> instant." See Sewall's letter to John Ive, 15 July, 1686, in *Massachusetts Historical Society Collections, Sixth Series*, Vol. I. p. 31.

tenanced Cap<sup>t</sup> George Command<sup>r</sup> of the frigatt & lett him into all the profitts of my office of surveyor & allowes him to make feizure or to prosecute as an informer during his shipp lying at an anchor within 2 cables length of Boston. I agree if he were in his station crusing off at sea he should have all the respect due to a Cap<sup>t</sup> of a Kings ship & all the encouragm<sup>t</sup> that he would expect: But to lye in harbour & hector so that our Councill are afraid to speak to him or refuse what he proposes is of very ill consequence & all turnes to my unhappy account." He then describes a quarrel he has had with Capt. George, on account of one of the crew of the man of war: "The Capt. came in a great fury to my house & abused me beyond expression with a design to engage him [the sailor] to draw upon me. This is encouraged by the faction who care not if wee were both hanged & makes me very uneasye. They have not spared my wife. They report here that she was never married, & you need not question but upon Capt. Georges countenancing such reports it gaines creditt, but it is a great trouble to my wife. All this makes me think the tyme long till S<sup>r</sup> Edmund comes over to us: for our Presid<sup>t</sup> is so much a Gent. that he gives the preference to Capt. George but makes the Governm<sup>t</sup> very cheap. The frigott lyes still & I have lost above 500<sup>l</sup> by not having liberty to prosecute according to my office. I expect to be affalled at Court with all the Calumnies envy & ingratitude can muster up."<sup>535</sup>

Hardly had Randolph's letter to the Archbishop of Canterbury

<sup>535</sup> Collection of Sir Thomas Phil-lips. Letter of Edward Randolph to Sir Robert Southwell, 10 July, 1686, post.

terbury started on its way, when that dignitary was placed at the head of an Ecclesiastical Commission with almost unlimited power.<sup>536</sup> It was practically the Court of High Commission re-established. What was to prevent the exercise of its authority in the Plantations deprived of their chartered rights?

On July 20th the two writs against the Colony of Connecticut were served by Randolph in person, although the time for making a return was past. Their receipt was acknowledged by John Allyn, the Secretary, and they were delivered to the Governor on the following day.<sup>537</sup> The date differs from that given by Randolph in his narrative, who says: "July 12 I served y<sup>e</sup> writ of Quo Warranto upon

y<sup>e</sup>

<sup>536</sup> *Diary of John Evelyn*, 14 July, 1686. "Was feal'd at our office the Constitution of certaine Commissioners to take upon them full power of all Ecclesiastical affairs, in as unlimited a manner, or rather greater, than y<sup>e</sup> late High Commission Court, abrogated by Parliament; for it had not onely faculty to inspect and visite all Bishops dioceses, but to change what laws and statutes they should think fit to alter among the Colledges, tho' founded by private men; to punish, suspend, fine, &c. give oathes and call witnessses. In sum, it was y<sup>e</sup> whole power of a Vicar General — note y<sup>e</sup> consequnce! Of the Cleargy the Commissioners were the Abp. of Canterbury [Sancroft], Bishops of Durham [Crewe] and Rochester [Sprat]; of y<sup>e</sup> Temporals, the Lord Treasurer, the Lord Chancellor [Jeffries] (who alone was ever to be of the quorum), the Cheife Justice [Herbert], and Lord President [Earl of Sunderland]." According to Hallam the Archbishop never sat. Lord Mulgrave was

added to the Commission. See his *Constitutional History*, Vol. III. p. 68, ed. 1861, note. Hallam adds: "It is not known, I believe, at whose suggestion the King adopted this measure. The pre-eminence reserved by the commission to Jeffries, whose presence was made necessary to all their meetings, and the violence with which he acted in all their transactions on record, seem to point him out as its great promoter."

Also *History of England*, by David Hume, 1826, Vol. VIII. p. 223, for an account of the inquisitorial power of the Commissioners, acting upon bare suspicion, while no law or statute was to stand in their way. By the commissioners the Bishop of London was suspended.

<sup>537</sup> *Colonial Records of Connecticut*, Vol. III. p. 356. "Rec'd of Edward Randolph, Esqr. the 20<sup>th</sup> of July 1686, about 12 or one of the clock in the morning, pr us John Talcott Ass't, John Allyn Secty. Dd. y<sup>e</sup> Gov<sup>r</sup>, July 21, 1686."

y<sup>e</sup> Goven<sup>r</sup> and Compā of Conncticott above one hundred and fifty miles distant from Boston." <sup>538</sup> As his name appears at the meeting of the Council in Boston on the 12th, he probably started on his journey that day,<sup>539</sup> returning to Boston from Connecticut on or before the 26th.<sup>540</sup> During Mr. Randolph's absence an attempt was made to settle the difficulties in Harvard College, the Rev. Increase Mather having resigned his position as its head, and the College "being in an unsettled posture by the late alteration of government."<sup>541</sup> For that purpose the Council met at Cambridge on the 23d, and voted unanimously "that the Reverend M<sup>r</sup> Increase Mather be desired to Except of the Rectorship of the Collidge, & make his usuall visitati."<sup>542</sup>

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<sup>538</sup> *Randolph's Short Narrative, post.*

<sup>539</sup> *Council Records of Massachusetts*, Vol. II., under date of July 12. At that Council meeting news was received that Edward Gove had been pardoned; Merrimack County was formed; Capt. George appeared and "a paper read relating to his affronting Edw. Randolph Esqr<sup>e</sup> one of his Maj<sup>y</sup>s Council"; a committee appointed for revising the laws; "M<sup>r</sup> Attorney Generall paper relating to an annuall provis<sup>n</sup> for M<sup>r</sup> Ratcliffe, and shewing what were raised amongst his Auditors (w<sup>ch</sup> amounted to about 50<sup>b</sup> p annū) was received"; a German from Hamburg was admitted to be a free denizen upon taking the oath of allegiance, as were also the French Protestants lately arrived from St. Christophers. The same order to be applicable to all French Protestants coming to Massachusets to reside.

<sup>540</sup> *Ibid.*, under date of July 26. Randolph was on that day at a meeting of the Council in Boston.

<sup>541</sup> *Ibid.*, under date of July 20. "The Colledg of Cambridge being in an unsettled posture by the late alteration of government, and Mr Increase Mathers dismissing himself from further care and service there, the Councill have agreed to meet there upon Fryday next 23<sup>rd</sup> Inst. to consider of some form of settlement thereof; M<sup>r</sup> Mather to have notice given him of said meeting, and be desired to be there present"; the rules drawn up by Mr. Mather for the government of the students and presented to the Council were ordered to be sent to Mr. John Leverett and other principal scholars for their consideration; a committee appointed to decide a difference that had arisen between the master of the ship and some "poor distressed people lately brought from the Isle of Eleutheria"; Mungo Crawford, a Scotchman, was admitted to citizenship.

<sup>542</sup> *State Papers, Colonial, Bundle 55* (358). Order abt the Colledge in Cambridge, in New England, 23 July, 1686, *post.*

The first symptom of an opposition to the acts of the new government now appeared. Some of the inhabitants of Ipswich and Rowley refused to observe the public fast appointed by the President and Council, and they were to be summoned to court.<sup>543</sup> On July 26th, Mr. Randolph having resumed his seat at the Council board, the form of the oath required of all attorneys was adopted, and an answer given to Mr. Ratcliffe's petition for public maintenance, "That the contribution money collected in the Church where he performs divine service be solely applied to the maintenance of M<sup>r</sup> Ratcliffe."<sup>544</sup> Ipswich and Rowley were not the only places where dissatisfaction existed. Information was received that some of the inhabitants of Woburn had also refused to observe the fast, and they were summoned to appear before the President and Council and "answer for their contempt of authority."<sup>545</sup> Trouble was brewing in the Council itself, and soon quarrels broke out: "the president and Capt. George carry all as they please, to the great dissatisfaction of the members of the councill, that now instead of meeting to do publick busines, tis only to quarrill and that in such heats that I feare it will occasion the desolving this government. I am forced to moderate others passions (tho'

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<sup>543</sup> *Council Records of Massachusetts*, Vol. II., under date of 21 July, 1686.

"A letter sent to Bartholomew Gedney, Esq<sup>r</sup> with order for his repairing to Rowley or Ipswich to covent before him and the Justices of the County such persons there as refused to observe the late Publicke Fast appointed by the President and Councill."

On the 22d, exportation of corn and grain prohibited on account of the

scarcity of provisions; order passed against delinquent taxpayers.

<sup>544</sup> *Council Records of Massachusetts*, Vol. II. 26 July, 1686. At that meeting Richard Waldern Jr. was made Randolph's Deputy Register for New Hampshire, and William Stoughton, the Deputy President, was made the Presiding Judge of the County Courts.

<sup>545</sup> *Ibid.*, Vol. II. 27 July, 1686.

I have most cause to complaine) and quietly to suffer my profits to be shared out amongst others till Sir Edmund Andros come over; he is longed for by all sober men who find themselves abused by the false president." In the same letter Randolph speaks of the surrender of the Rhode Island charter by letter, which is to be followed by a formal one under the seal of the Colony: "I was with the governor of Connecticut and delivered to him the quo warranto. I suppose they intend not to stand it out; our Council have sent Major Pincheon and Capt. Winthrop to Hartford to persuade them to accommodate the matter, so as they may be added to the government here; how farr they will prevaile I know not; they are sensible of Mr. Dudleyes encroachment on all and every side, and are unwilling to trust him, and are strongly invited to come under New Yorke, but it is more for the publick advantage to have that Colony continued to us. Since my going to Hartford, the president has so contrived the matter that Capt. George has received above two hundred pounds money which legally belongs to me, who as collector and informer, ought to be admitted to prosecute a ship laden with Scotch goods, but its all as Capt. George pleases. There will be I feare an eruption betwixt the French of Nova Scotia and our people in Mayne and New Hampshire, occasioned by Capt. Palmer and Mr. West of New Yorke, who being at the fort of Pemmaquid<sup>546</sup> and haveing advice of a ship of Piscataqua which landed wine at Ponopscutt [Penobscot] belonging, as they say, to Nova Scotia,

<sup>546</sup> The part of Maine in which the fort was situated belonged to the government of New York at that time.

Scotia, they by force went ashore and took off the wine. The governor of New Yorke, I am told, has given them directions to claim all the land as farr eastward as the river St. Croix. We have sent to all places to warne our people and to the fishermen not to venter upon their coasts. I am informed that the land whereon the wine was landed have been allwayes deemed to belong to the French and was the very place formerly belonging to Sir Thomas Temple, and was delivered up to the French upon the articles of Breda. We are over voted [in the Council] and cannot help ourselves till Sir Edmund come to regulate the matter. Sir, I am under great difficultyes, and were it not for my engagement in the busines of the mafts, I would once more make a journey over, for I am treated by Mr. Dudley worse than by Mr. Danforth. Honest Major Buckley is quite tyred out and can hardly be perswaded to come to Boston. This is our present distracted condition. Wee have only patience and our friends assistance to depend upon in England for redrefs. Some of the members of the councill are of opinion that since the constitution of this government is by a president and councill, who united are all but governor, that therefore they ought to have a proper proportionable share of the profit as well as the charge and burden, which they have desired me to represent and pray your opinion thereupon, as also whether the president is *virtute officij* the ordinary to grant administrations and to allow the probate of wills, he producing no authority from his Majesties lords of the councill, or from my Lord of London.”<sup>547</sup>

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<sup>547</sup> *Hutchinson's Collection of Papers*, dolph to Mr. Blaithwait, 28 July, 1686, Prince Society, Vol. II. p. 288. Ran- *post*.

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On the same day he wrote to the Committee informing them of his having served the writs against Connecticut and Rhode Island; "the tyme of their return was laps'd: however the Gov<sup>r</sup> of Connecticut upon my delivering the writh to him at Hartford on y<sup>e</sup> 21 instant has appointed a meeting of the Gen<sup>l</sup> Court of that Colony to be called together to surrend're their charter to his Ma<sup>tie</sup> if not perswaded by the factious party here (who are unwilling to depend upon his Ma<sup>ties</sup> favour) to stand a tryall: onely to gain tyme & delay his Maj<sup>ties</sup> sending over a Gen<sup>l</sup> Gov<sup>r</sup>. The proceedings of the president & Councill, whatever they write or pretend in their letters to your Lord<sup>s</sup> pps are managed to y<sup>e</sup> Incouragement of the Independent faction, & utter discountenancing both

The jurisdiction of the Bishop of London and of the Archbishop of Canterbury did not seem to be accurately defined. By order of the King in Council, 1 October, 1633, in *Calender of State Papers, Domestic*, "The Company of Merchant Adventurers shold not hereafter receive any minister into their churches in foreign parts without his Majestys approbation of the person; the Liturgy and discipline used in the Church of England shold be received there, and in all things concerning their church government they shold be under the jurisdiction of the Bishop of London."

Also *Historical Collections of the American Colonial Church*, by W. S. Perry, D.D., Vol. III. p. 174. According to the instructions given to Governor Dongan of New York, 29 May, 1686, all ministers and schoolmasters coming from England were to have a certificate from the Archbishop of Canterbury, whose ecclesiastical jurisdiction was to extend through that province,

"as farr as conveniently may be." *Documents concerning the Colonial History of New York*, Vol. III. p. 372. This may have been owing to the Archbishop's being at the head of the Ecclesiastical Commission, or possibly because Compton, the Bishop of London, was then in disfavor with the King, James II. having deprived him of his seat at the Council board. That the King was the supreme head of the Church in the plantations, as well as in England, was affirmed explicitly, when the Congregational ministers wished in 1725 to hold a synod in Massachusetts. Such a synod, it was said, would infringe on the ecclesiastical prerogatives of the Crown. See *Historical Collections of the American Colonial Church*, Vol. III. p. 190. In the same volume is found a petition of Thomas Coram to the Archbishop of Canterbury, praying that a college might be established at Cambridge, Massachusetts, to be called the King's College, "for the Honor and advantage of the Church of England."

both the Minister & those Geñt & others, who dare openly professe themselves to be of the Church of England, not having any allowance for Our Minister more then wee Raise by contribution amongst our selves. Nonconformists from all places resort heither: about 2 months ago one Mr. Mourton [Morton] an Excommunicated Minister came heither from Newington Green: he was welcomed by our President & designed to be made head of Our Colledge: But not daring to proceed at first by such larg stepps; he is called to be minister at Charles town a very good living, & he is ready at hand to be the President of the Colledge. In the tyme of Munmouths Rebellion most part of the Miniflers animated the poeple Saying the tyme of their deliverance was at hand & not one of them prayed for his Ma<sup>tie</sup> & would not give Creditt to his Ma<sup>ties</sup> gracious letter signifying the Overthrow of the Rebels: I humbly propose as greatly for y<sup>e</sup> quiett & welfare of this plantation of N. Eng<sup>d</sup> that no minister from England be admitted to land without the license of the Gen<sup>ll</sup> Gov<sup>r</sup> & That he have power to license or restrain from preaching publickly such as are already upon y<sup>e</sup> place ffrom all which it will appeare very needfull that his Ma<sup>tie</sup> would be graciously pleased to send us over a Gen<sup>ll</sup> Gov<sup>r</sup> to unite & settle this distracted Country & also to make good what is newly begun in this Colony the delayes whereof may be of evill consequence and give way to the factious poeple here to reassume the Governm<sup>t</sup> which they openly declare they have not parted with all but expect an opportunity to be restored. I am by all accounted the Sole Enemy of the Country having been for 11 yeares attending his Ma<sup>ties</sup> commands in this affaire & by serving the writts upon

upon y<sup>e</sup> other Colonyes my life will be made very uneasy unleffe his Ma<sup>tie</sup> shall be pleased graciously to recommend me to the care & protection of his Gen<sup>ll</sup> Gov<sup>r</sup> for whose speedy arrivall all Good men heartily pray." <sup>548</sup>

The three inhabitants of Woburn summoned to appear at court took the oath of allegiance, and after paying their fees were allowed to depart. Information was presented to the Council that John Gold, or Gould, as the name was sometimes written, of Topsfield, had spoken treasonable words,<sup>549</sup> and an order was made the next day that he shoulf appear.<sup>550</sup> A few days later Randolph wrote a letter of several pages to the Archbishop of Canterbury: "Its long since I received your Grace's Blessing and alfo your Grace's noble gift of D<sup>r</sup> Hammonds work bestowed on our Colledge: I intended long since to give y<sup>r</sup> Grace an account of my proceedings therein; but I have forborn that I might have opportunity

<sup>548</sup> *State Papers, Colonial, Bundle 55 [82].* L<sup>r</sup>e from m<sup>r</sup> Randolph [to the Committee], 28 July, 1686, *post.* Alfo *State Papers, Colonial, Entry Book 109 (16)*; see also *Hutchinson's Collection of Papers*, Prince Society, Vol. II, p. 285.

<sup>549</sup> *Council Records of Massachusetts*, Vol. II. 30 July, 1686. "This day appeared W<sup>m</sup> Johnson, Thomas Kendall and John Carter Inhabitants of the Town of Wooborn, being summoned by the President and Councill to answere the complaint of W<sup>m</sup> S<sup>t</sup>ys Esqr. for breaking the order of obferving the Fast in this Governmt and confessed their abfence from the publique Affembly that day, but in their severall defences gave great fufpition of this [their] difaffection to his Ma<sup>ys</sup> Governm<sup>t</sup>; whereupon twas ordered that they should take

the oath of allegiance upon paine of *Imprisonment*. Johnson and Carter after fome demur tooke the oath of Allegiance, upon which they were acquitted, paying their Fees. Several depositions against John Gold of Topsfield for speaking Seditious words againft the Governmt were presented by Major Gedney." A prisoner for debt having escaped, "Ordered that the Secretary [Randolph] do forthwith grant his warrant to the Marshal of Middlesex to pursue, etc." Ports of entry were established. On the same day was passed an "Act establishing fees in the Court of Admiralty," including the Judges', the Registrars' and the Justices' fees. *Massachusetts Archives*, Vol. CXXVI. p. 47.

<sup>550</sup> *Council Records of Massachusetts*, Vol. II. 31 July, 1686.

opportunity to make y<sup>r</sup> Grace some remarks upon this new Constitution of Gov<sup>t</sup>. At my first Landing I was received by the honest party very kindly, who upon y<sup>e</sup> frigotts tedious paſſage did all feare that I was caſt away. The factious party were of opinion that (according to their prayers) God would never ſuffer me to land againe in this Country. A merchant in Boston worth 10.000£ was being prosecuted to death or Banishment in ſaying only that he hoped the frigott would arrive, but the Tryall was adjourned fine die upon my arrival. Altho' his Maſteſty has obtained a judgment ag<sup>t</sup> their Charter, yet they have not conſented and therefore hope ſome Providence like that of Munmouth's Rebellion may fall out w<sup>ch</sup> will reſtore them to their former priveledges & enjoyment of their precious things (which God avert): however, that they may have ſome footing the late Gov<sup>r</sup> & Company before they broke up adjourned themſelves to y<sup>e</sup> ſecond Wednesday in Oct. next & this is one great reaſon which ſtill ſupports the faction. As to M<sup>r</sup> Dudley our President he is a N. Conformist minister & for fev-erall yeares preached in New Eng<sup>d</sup> till he became a Magiftrate, then he ſett up for a King's man, and when in London made his application to my Lord of London and was well liked by ſome about his late Maj<sup>ties</sup> perſon, whereupon he was appointed for this turn to be president, who at my arrivall with all outward expreſſions of duty & loyalty re-ceived his Maj<sup>ties</sup> Commission. Sweetened with liberty of conſcience, and now we believed wee had gained the point ſuppoſing the President our own for y<sup>e</sup> C. of Eng<sup>d</sup>. At the opening his Maj<sup>ties</sup> Commission I deſired M<sup>r</sup> Ratclife our miſter to attend the ceremony & ſay Grace, but was re-fused."

fused." He then speaks of the difficulties he encountered in obtaining a room to worship in, but now on "some Sundays 7 or 8 are in one day Baptized and more would dayly be of our communion had wee but the company & countenance of the President & Councill. Had wee a Gen<sup>ll</sup> Gov<sup>r</sup> wee should soon have a larg congregation, and also one of the churches in Boston, as your Grace was pleased to propose when these matters were debated at y<sup>e</sup> Councill Table. I humbly remind your Grace of the money granted formerly for Evangelizing the Indians in our neighborhood.<sup>551</sup> Its a pitty that there should be a Considerable Stock in this Country (but how employed I know not) & wee want 7 or 800£ to build us a church. Could they gett me out of the Councill their work was done; but now they can pass no orders without my knowledge. The President strongly drives on his private interest that the members of the Councill are unwilling to meet; So that I feare the Govm<sup>t</sup> will be lost unlesse his Maj<sup>tie</sup> will be pleased to send us a Gen<sup>ll</sup> Gov<sup>r</sup> with all convenient speed; otherwise both myselfe & thofe of y<sup>e</sup> Church of Eng<sup>d</sup> must leave the place. Your Grace can hardly imagine the small artifices they have used to prevent our meetings on Sundays; they have libelled my wife & our minister;

<sup>551</sup> In 1649 there was an Ordinance passed for establishing the "President and Society for the Propagation of the Gospel in New England." In 1661 the Society was continued for propagating the gospel "in New England and the parts adjacent." In 1685 two fellowships, founded by Sir Lionel Jenkins at Jefus College, Oxford, the holders of which were to go as ministers to sea or

to foreign plantations. 20£ to be given by order of Charles II. to any minister or schoolmaster for his passage, having license from the Bishop of London. In 1701 the Society for Propagating the Gospel in Foreign Parts was founded, the first President being the Archbishop of Canterbury. See *Account of the Society*, published in 1706.

minister; they support Capt. Georg against me, while they would rejoice to see us or any others intrusted by his Majesty hang'd at our doors. I am attacked from every part: the ministers quarrel for my bringing in y<sup>e</sup> Comon prayer, the old magistrates and freemen for vacating their Charter, the mobile are troubled that the Lawes of Eng<sup>d</sup> are in force; & the merch<sup>ts</sup> for putting the Acts of trade in full execution; the proprietors of Main are troubled that province is taken from them & is now (being well stord with Mafts & other navall Stores) become his Majestys; the Tavern Keepers & victualling houses curse me for advancing their excise; the other Colonys have a great charge ag<sup>t</sup> me for serving Quo Warranto ag<sup>t</sup> their Charters, and all are highly incensed to see me their enemy his Ma<sup>ties</sup> Secretary of the Councill here. I am like to expect Sampson's fate, for such is their implacable malice that Oliver the late Tyrant was not more ingrateful to the Royalists then I am to the most of the people & now nothing can settle this distracted country & checq the Insolencies of this people but a sober & unbyassed Gen<sup>t</sup> from England to be our Gov<sup>r</sup>; who must hold the raines of Govm<sup>t</sup> in his hands & restrain the liberty of Conscience which they now grossly abuse. Its necessary y<sup>e</sup> Gov<sup>r</sup> license all their ministers & that none be called to be a paf- tor of a congregation without his approbation; by this method alone the whole country will easily be regulated and then they will build us a church and be willing to allow our ministry an honorable maintenance; 'twould be very gratefull to our church affaires if his Maj<sup>ty</sup> would please to grant us his Royall letters — that the 3 meeting houses in Boston, which feveraly collect 7 or 8£ on a Sunday, do pay to our church

church warden 20*s.*<sup>552</sup> a weeke for each meeting house, and were they directed to contribute to build us a church or part from one of their meeting houses such as wee should approve, they would purchase that exemption at a great rate, and they could but call us papists, and our Ministers but Baal's Priests: as to Dr. Hammonds works, they are still with me, but ready to be placed in the library as soon as the College is duly regulated, that matter also must attend the sanction of a Gen<sup>n</sup> Gov<sup>r</sup> in which I question not but your Grace will please to continue your Affistance, in regard the beginning was promoted by your Grace's favour. I humbly beg in all Duty your Graces Blessing." <sup>553</sup>

John Gold having appeared before the Prefident and Council on August the 5th, and it being proved before the Court of Oyer and Terminer, of which Randolph sat as one of the Judges, that he had uttered treasonable words, he was committed to prison for six months and fined.<sup>554</sup> Three days later,

<sup>552</sup> In the printed copy of the letter the amount is stated as 20*£*, which is manifestly an error.

<sup>553</sup> *New England Historical and Genealogical Register*, Vol. XXXVII. p. 270. Letter of Edward Randolph to D<sup>r</sup> W<sup>m</sup> Sancroft, Archbishop of Canterbury, 2 August, 1686, *post*.

<sup>554</sup> *Council Records of Massachusetts*, Vol. II. 5 August, 1686. "The witnesses then appearing makeing proof that the said Gold had spoken treasonable words on or about the 11<sup>th</sup> of July last was committed to close Custody in the prison of Boston."

*Diary of Samuel Sewall*. 5 Aug. "One John Gold, Chief Commander of the Military Company at Topsfield is sent to Prison for Treasonable Words

spoken about the change of Government, is to be tried this day fortnight. Council said he was not bailable. W<sup>m</sup> Harrifson, the Bodice maker, is buried, which is the first that I know of buried with the Common-Prayer Book in Boston. He was formerly Randolph's Landlord."

*Massachusetts Historical Society Collections, Third Series*, Vol. VII. p. 151. Caf<sup>e</sup> of John Gould charged with treason, *post*. The caf<sup>e</sup> of John Gould is also found under date of August 19, in the Records of a Special Court of Oyer and Terminer and General Goal Delivery, p. 2, the judges being Jofeph Dudley, W<sup>m</sup> Stoughton, Richard Wharton, John Usher, Jonathan Tyng, Edward Randolph, Barth. Gedney and Peter

later, the sacrament of the Lord's Supper was administered according to the rites of the Church of England.<sup>555</sup> An effort was now made to raise money for the purpose of building a church for the worshippers of the Church of England, and Mr. Randolph made a visit upon Samuel Sewall, hoping to induce him to contribute.<sup>556</sup> On the 25th an order was given "that the military laws be printed."<sup>557</sup> The cross, which had been taken from the flag, was to be restored, as it is "now so much set by in England and here."<sup>558</sup> The restoration

Peter Bulkley. Randolph was also one of the Judges of the Court of Appeals, Grand Assize & General Goal Delivery held on November 3d. See p. 3. On pp. 15 and 16 are two writs of execution signed by Randolph as Secretary. The records are contained in twenty-six pages, including the "Superior Court of Judicature," ending 24 May, 1687, and are among the *Suffolk Court Files*.

On August 5 it was "ordered by the Council that a Brief be drawn up & printed, and read in all Meeting Houses to supply the necessities of the French lately arrived here in great distress, fifteen familys with a Religious Protestant Minister, who were in all men, women and children more than four score soules, and are such as fled from France for Religion's Sake, and by their long passage at Sea, their Doctor & twelve men are dead, and by other inconveniences, the living are reduced to great sicknes and Poverty & therefore objects of a true Christian Charity. Alsoe fifty persons, men women and children, which were by the cruelty of the Spaniards driven off from Eleutheria (an island of the Bahamahs) naked and in great distress, as alsoe many other poor French Prot-

estants are dayly expected." Capt. Elisha Hutchinson and Capt. Samuel Sewall were appointed a Committee to relieve them.

On the 10th of August the Council ordered that the records of New Hampshire, which had been brought to Boston, be restored. They determined not to interfere between Capt. John Tufton and the inhabitants of New Hampshire for cutting down of timber, as the case was then before the King for final adjudication. They further ordered that copies of Town orders be transmitted to the Council, "to the end such further order may be given herein as may be found needfull."

<sup>555</sup> *Diary of Samuel Sewall*. "Sabbath day Augt 8. Tis said the Sacrament of the Lords Supper is administered at the Town House."

<sup>556</sup> *Diary of Samuel Sewall*. "Aug. 21. Mane. Mr. Randolph and Bullivant were here. Mr. Randolph mentioned a Contribution toward Building them a Church, and seemed to goe away displeased because I spake not up to it."

<sup>557</sup> *Council Records of Massachusetts*, Vol. II. 25 August, 1686.

<sup>558</sup> *Diary of Samuel Sewall*, 22 August. "I fetcht home the Silk Elizur Holyoke

restoration of the crofs in the standard was a sign that the Puritan government was passing away, and yet Randolph complains constantly that the faction, as he calls the opposition, still controls. He writes to the Lord Treasurer, "unless his Majesty please, in a very short time, to send us over a General Governor from England, all that is already done, will be of little advantage to his Majesty's interest. The independant faction still prevails. They have put Captain Blackwell, Oliver [Cromwell's] treasurer in London, son-in-law to Lambert, excepted in the Act of Indemnity, and a violent Commonwealth's man to be of the commiffion of the peace, and a man consulted with in all public affairs. Some of the ministers have spoken treasonable words in their pulpits. His Majesty hath been graciously pleased to make me Secretary of his Council here, but the accounts of the late Treasurer and whatever relates to the discovery of his Majesty's Revenue is kept from my knowledge. The public records, and all the grants and settlement of lands in this country, which ought to be lodged in my office are otherwife disposed of. Mr. Wharton, a member of the Council, did openly declare, that his Majesty, in appointing me his Secretary and Register, intended to inthrall this people in vassalage. Here have been five or six ships feized and condemned,

Holyoke had of me to make the Crofs, last Friday noon; and went and discoursed Mr. Mather. He judged it Sin to have it put in, but the Captain not in fault; but I could hardly understand how the Command of others could hardly excuse them, at least me. Augt 23. At even I wait on the President and shew him that I cannot hold be-

cause of the Crofs and offer him my commission. Aug 30. Eight Companyes Train, but I appear not fave to take leave in the morning. Aug 31. Mr. Nowell, Moodey and Rawson visit me and comfort me." On the 23d Dudley told Sewall that Gov. Andros was expected to arrive in about six weeks.

condemned, which inflames the people's malice against me. And the President, who by his office and duty is obliged to assist me, has openly refused, to his Majesty's great disservice. I question not but by his Majesty's uniting the several Colonies under one Government, to raise his Majesty a considerable revenue by quit rents, towards the support of the Government which will yearly increase. They have taken so great prejudice against me that they have disposed of the perquisites of my office to persons of their own stamp, so that for all my trouble and attending the Council here, I am not like to make £20 a year."<sup>559</sup> In all his troubles and disappointments he was buoyed up by the hope of the speedy arrival of a Governor-General, who by his authority would easily, as he conceived, bring the Colonies to terms. Having heard that Sir Edmund Andros had finally been selected, he wrote to Fitz-John Winthrop, "I send you for a cordiall the good newes that S<sup>r</sup> Edm<sup>d</sup> Andros is appointed our govn<sup>r</sup>; calls first at Bermudos to settle that governm<sup>t</sup>, and upon y<sup>e</sup> Kingfisher, a ship of 50 guns, comes for Boston, where he may arrive some time in Nov<sup>br</sup> next, with his lady. God send them a safe passage!"<sup>560</sup>

Being

<sup>559</sup> *Massachusetts Historical Society Collections, Third Series*, Vol. VII. p. 154. Letter of Edward Randolph to the Lord Treasurer, 23 August, 1686, *post.*

Also *State Papers, Colonial, Bundle 55* (91). Letter from M<sup>r</sup> Randolph to the Committee, 23 Aug. 1686, *post*, printed in *Rhode Island Colonial Records*, Vol. III. p. 205. In this letter Randolph says that many non-conformists are coming from England and Scotland. He has urged that all above 16 must take the oath of allegiance.

<sup>560</sup> *Massachusetts Historical Society Collections, Sixth Series*, Vol. III. p. 476. Edward Randolph to Fitz-John Winthrop, 25 Aug. 1686, *post.*

*Ibid., Fifth Series*, Vol. VIII. p. 464. Wait Winthrop to Fitz-John Winthrop. "Boston, Aug. 25, 1686. On Satterday night arrived Balston, and another ship from London, and by severall letters we have the advice that S<sup>r</sup> Edmond Andros had a comission for Gov of this and adjacent placeſe. Secretary Pepis writes M<sup>r</sup> Randolph y<sup>r</sup> the Lords did haſten him becaufe he ſhould touch at Bermudos

Being defrauded, as he claimed, of his rightful salary, Randolph petitioned the Lords of the Committee that he should be paid eighty pounds a year, the amount formerly paid to Secretary Rawson, and should receive all the perquisites belonging to his office.<sup>561</sup> To the proper accomplishment of his duty it was important that he should have in his possession the documents and papers belonging to the office, but in his efforts to obtain them he met with much opposition. Mr. Rawson objected "that the oath of God is upon him, and he cannot satisfie his conscience that he is obliged to resign them, unless he be discharged by a power that can indempnifie him, he also thinks it very just that before he be discharged of y<sup>t</sup> trust, his arrears of salary be payd."<sup>562</sup>

dos to settle the Government there, many complaints having bin mad againt that Governor. He comes in the Kings Fisher, a frigat of fifty guns, and was to fayle in a month or six weeekes after. Will Wharton writes his father that he read the Commission, and it differs not much from that which is here already, the same councill, Pemaquid and Plimouth added, and Gov<sup>r</sup> Hinkley aded to the Councill. The procedure against Connecticut and Rode Island to be this next terme. Quo Warrantose out against Pensilvania, East & West Jarrey, Carolina etc."

On the 26th the Council ordered "that on Tuesday next the Committee appointed to revise the Lawes, fitt to revise the Lawes in order to present them to his Maj<sup>v</sup>." See *Council Records of Massachusetts*, Vol. II.

<sup>561</sup> *State Papers, Colonial, Bundle 55* (166). Randolph's Petition for fees as Sec<sup>r</sup>y & Reg<sup>r</sup> £80 p ann. 28 August, 1686, *post*.

<sup>562</sup> *Ibid.*, 55 (168). Mr Bullivant's L<sup>r</sup>e to M<sup>r</sup> Randolph abt the Records in M<sup>r</sup> Rawson's hands. 11 Sept. 1686, *post*.







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